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AUG. 28 - DEC 11 1990

URBAN/MUNICIPAL

MEETING OF HAMILTON
CITY COUNCIL



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MINUTES OF THE

MEETING OF HAMILTON CITY COUNCIL
TUESDAY, AUGUST 28, 1990
7:30 O'CLOCK, P.M.

URBAN MUNICIPAL

FEB 19 1991

GOVERNMENT DOCUMENTS

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson,
Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray.

ABSENT: Alderman McCulloch (Regional Business)

His Worship Mayor Robert M. Morrow called the meeting to order.

Reverend M. Skrumeda, Dean of St. Vladimir Ukrainian Orthodox Cathedral, led the
Council in prayer.

His Worship Mayor Robert M. Morrow read the following Proclamation:

"ARTHRITIS MONTH" - September 1990.

Civic Rings were presented to members of the Hamilton Firefighters Drum Corps.

Civic Award presentations were made to the following:

- (a) Ontario Provincial Rollerskating Championship
- (b) Women's Novice Canadian Gymnastics Federation Title
- (c) Mountain Lanes Junior Boys Five-Pin Bowling Team

- (d) Hamilton Zone "E" Mixed Five-Pin Bowling Team
- (e) Hamilton Zone "E" Men's Five-Pin Bowling Team

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Mr. M. Field, of the H.S.P.C.A., addressed the Council with respect to the Wiggle-Waggle-Walk-A-Thon to be held in Gage Park on Sunday, September 16, 1990.

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The minutes of the meeting of July 31, 1990, were taken as read and approved.

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The following communications were received:

1. Letter of resignation dated August 22, 1990, from Alderman John R. Smith, 50 Sunninghill Avenue, Hamilton, Ontario.
**Resignation Accepted and
the Office Declared Vacant,
Effective September 15, 1990.**

Alderman Smith refrained from taking part in any discussion or voting on the acceptance of his letter of resignation.

2. Resolution dated August 13, 1990, from The Ontario SARC Network, 984 Bay Street, Suite 603, Toronto, Ontario, re poverty in Ontario.
Referred to Regional Council.
3. Resolution dated August 9, 1990, from The Corporation of the City of North Bay, Ontario, re united Canada and integrity of the Federal Parliament.
Received.
4. Resolution dated July 25, 1990, from the City of Scarborough, 150 Borough Drive, Scarborough, Ontario, re The Retail Business Holiday Act.
Received.

5. Letter dated July 10, 1990, from Mr. Fred Noel, Director of Fund Raising, Gander-Masonic Memorial Complex Inc., 183-185 Le Machant Road, St. John's, Newfoundland, re "Samaritan Place - "The Living Memorial", honoring the Soldiers of the 101st Airborn Division who lost their lives in the tragic Arrow Air Disaster.
Referred to the Finance and Administration Committee.
6. Letter dated August 2, 1990, from Mr. Stanley Simpson, Barrister & Solicitor, Suite 407, 20 Hughson St. South, Hamilton, Ontario, respecting the P.E.P. Programme.
Referred to the Finance and Administration Committee.
7. Proclamation by the Building Officials and Code Administrators International, Incorporated, expressing their thanks and appreciation to the citizens and public officials of Hamilton for their hospitality and use of facilities in connection with the 75th Annual Code Development and Educational Conference held in Hamilton June 24-29, 1990.
Received.
8. Letter dated July 27, 1990, from The Rt. Hon. The Lord Mayor, Councillor Jim Williams, J.P., Bristol, on the occasion of the West Coast Cadets Drum and Bugle Corps visiting the City to compete at the Canadian National Championships.
Received.
9. Application dated August 1, 1990, from K. Dudzinski, 38 Barnesdale Ave. South, Hamilton, Ontario, for a modification to the zoning, property located at 1 Prospect Street South.
Received.
10. Application dated August 13, 1990, from 763225 Ontario Inc., 92 John St. North, Hamilton, Ontario, for a modification to the zoning, property located at 258 Mary Street.
Received.
11. Application dated August 16, 1990, from Frederick and Gwynette Seymour, 70 West Avenue South, Hamilton, Ontario, for a change in zoning, property located at 186 and 188 Queen Street North.
Received.

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It was moved by Alderman Kiss and seconded by Alderman Agro that Council move into Committee of the Whole to consider the following Reports, with Alderman Cooke in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 16.

NAYS: 0. - CARRIED.

* * * * *

(A) TRANSPORT & ENVIRONMENT COMMITTEE - ELEVENTH REPORT.

Section 7,
Subsection (c). Re: PCB Contamination, 450 Nebo Road.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: Alderman Kiss. - 1. CARRIED.

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Section 24. Re: Request to Hamilton-Wentworth Regional Police for Additional Speed Enforcement on Stone Church Road.

It was moved by Alderman Murray and seconded by Alderman Ross.

RESOLVED: That Section 24 of the Eleventh Report of the Transport and Environment Committee be deleted and, that in lieu of this resolution, the City Clerk request the Chief of Police to provide additional speed enforcement on Stone Church Road in the vicinity of Walker's Pool. - CARRIED.

* * * * *

(B) PARKS & RECREATION COMMITTEE - FIFTEENTH REPORT.

Section 16. Re: Historical Fountain - Wellington Park.

It was moved by Alderman Gallagher and seconded by Kiss.

RESOLVED: That Section 16 of the Fifteenth Report of the Parks and Recreation Committee be amended by adding the following as Subsection (c):

"(c) That the above be subject to the Director of Public Works investigating the feasibility of utilizing the fountain formerly in Gore Park."

- **CARRIED.**

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Section 23,

Subsection (c) ii. Re: Integrated Playground Structure - Armstrong Park.

It was moved by Alderman Gallagher and seconded by Alderman Merling.

RESOLVED: That Section 23, Subsection (c) ii of the Fifteenth Report of the Parks and Recreation Committee be amended by deleting the words "it is respectfully recommended that the Finance and Administration Committee recommend the method of financing the \$10,000. for an integrated playstructure" in the fourth, fifth and sixth lines, and substituting in lieu thereof the words "recommends that this expenditure be financed from the 5% Parks Fund." - **CARRIED.**

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(B) PARKS & RECREATION COMMITTEE - SIXTEENTH REPORT.

Section 1. Re: Granting of Permission to Sell Food and Alcoholic Beverages - Mohawk Sports Complex.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Merling, Gallagher, Ross, Murray. - 14.

NAYS: Aldermen Smith, Jackson. - 2. CARRIED.

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(C) PLANNING & DEVELOPMENT COMMITTEE - FIFTEENTH REPORT.

Section 17,
Subsection (b). Re: Change in Zoning to Permit Townhouse
Development on Property Located at 1334,
1340, 1342 and 1348 Upper Sherman Avenue.

Recorded Vote.

YEAS: Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Christopherson, Agostino, Smith, Ross. - 9.

NAYS: Aldermen Copps, Lombardo, Jackson, Merling, Gallagher, Murray. - 6. CARRIED.

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Section 18. Re: Zoning Application to Permit Development
of Small Lot Single Family Dwellings for
Property at the Rear of 1422 and 1430 Upper
Sherman Avenue.

It was moved by Alderman Merling and seconded by Alderman Gallagher.

RESOLVED: That Section 18 of the Fifteenth Report of the
Planning and Development Committee be referred
back. - CARRIED.

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Section 21,
Subsection (j). Re: By-law Respecting Lands at the Rear of 1422
and 1430 Upper Sherman Avenue.

It was moved by Alderman Merling and seconded by Alderman
Gallagher.

RESOLVED: That Section 21(j) of the Fifteenth Report of the
Planning and Development Committee be deleted.
- CARRIED.

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(D) INFORMATION SYSTEMS COMMITTEE - FIFTH REPORT.

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(H) FINANCE & ADMINISTRATION COMMITTEE - TWENTY-FIRST
REPORT.

Section 14. Re: Non-Use of Princess Elizabeth School, 235
Bowman Street, for Housing Purposes.

It was moved by Alderman Gallagher and seconded by Murray.

RESOLVED: That Section 14 of the Twenty-First Report of the
Finance and Administration Committee be referred
to the Municipal Non-Profit (Hamilton) Housing
Corporation with instructions to review in light of the
need for non-profit housing in the City of Hamilton.
-

YEAS: Aldermen Cooke, Hinkley, Drury, Christopherson, Agostino,
Lombardo, Smith, Jackson, Gallagher, Murray. - 10.

NAYS: Mayor Morrow; Aldermen Kiss, Agro, Copps, Ross. - 5.
CARRIED.

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Section 16. Re: Grant of \$225,000. to Theatre Terra Nova.

Recorded Vote on Calling the Question.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Ross. - 13.

NAYS: Aldermen Kiss, Gallagher, Murray. - 3. CARRIED.

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Section 16. Re: Grant of \$225,000. to Theatre Terra Nova.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Ross. - 11.

NAYS: Aldermen Lombardo, Smith, Merling, Gallagher, Murray. - 5. CARRIED.

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It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED: That Rule 8 of Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of resolutions respecting the use of City Hall facilities. - CARRIED.

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It was moved by Alderman Hinkley and seconded by Alderman Agro.

RESOLVED: That the following be added to the Twenty-First Report of the Finance and Administration Committee as Sections 29 and 30:

"29. That permission be granted to McMaster Students Union Inc. to use the City Hall forecourt and equipment on Tuesday, 1990 September 4 from 12:30 to 1:30 p.m., for a news conference to promote McMaster's SHINERAMA fundraiser for Cystic Fibrosis.

30. That permission be granted to the Ministry of Municipal Affairs' Review Committee to use the Council Chamber on Wednesday, 1990 September 26 from 7:00 p.m. to 10:00 p.m., for the purpose of holding a public meeting respecting the "Municipal Conflict of Interest Act." CARRIED.

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It was moved by Alderman Hinkley and seconded by Alderman Agro.

RESOLVED: That Rule 8 of Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the method of financing the City's share of the additional costs for the Windermere Basin Rehabilitation Project. - CARRIED.

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It was moved by Alderman Hinkley and seconded by Alderman Agro.

RESOLVED: That the following be added as Section 31 of the Twenty-First Report of the Finance and Administration Committee:

"31. That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval of the additional project funding by the City in the amount of \$106,675.10 being the City's share of the total cost overrun of \$732,000. over the original \$4,500,000. estimate for the Windermere Basin Rehabilitation Project, and that the \$106,675.10 be financed from the Reserve for Capital Projects following approval of the Ontario Municipal Board.

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It was moved by Alderman Hinkley and seconded by Alderman Agro.

RESOLVED: That Section 31 of the Twenty-First Report of the Finance and Administration Committee be tabled until after consideration of Section 1 of the First Joint Report of the Planning and Development Committee and the Transport and Environment Committee. - CARRIED.

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NOTE: The Council subsequently adopted the Joint Report of the Planning and Development Committee and the Transport and Environment Committee respecting the Windermere Basin Rehabilitation Project, following which the following resolution was moved:

It was moved by Alderman Hinkley and seconded by Alderman Agro.

RESOLVED: That Section 31 of the Twenty-First Report of the Finance and Administration Committee be lifted from the table and approved. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Christopherson, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: Aldermen Copps, Agostino. - 2. CARRIED.

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It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED: That the following be added as Section 32 of the Twenty-First Report of the Finance and Administration Committee.

"32. That the Ontario Municipal Board be authorized to use the City Council Chamber for a six week period beginning in February 1991, for the purpose of holding a public hearing on the Lax property." - CARRIED.

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It was moved by Alderman Gallagher and seconded by Alderman Drury.

RESOLVED: That the following be added as Section 33 of the Twenty-First Report of the Finance and Administration Committee.

"33. That the Finance and Administration Committee be requested to investigate the use of City Hall facilities by the Ontario Municipal Board to include the possible collection of rental fees for use of City Hall facilities." - CARRIED.

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(I) JOINT REPORT OF THE PLANNING AND DEVELOPMENT
COMMITTEE AND THE TRANSPORT AND ENVIRONMENT
COMMITTEE - FIRST REPORT.

Section 1. Re: Additional Funding for the Windermere Basin
Rehabilitation Project.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury,
Christopherson, Lombardo, Smith, Jackson, Gallagher, Ross,
Murray. - 12.

NAYS: Aldermen Copps, Agostino. - 2. CARRIED.

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() NOMINATING COMMITTEE - FOURTH REPORT.

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It was moved by Alderman Copps and seconded by Alderman Ross.

RESOLVED: that Rule 8 of Procedural By-law No. 82-203 be suspended for this meeting
of City Council to consider a resolution respecting relations with the
People's Republic of China. -

YEAS: Mayor Morrow; Aldermen Hinkley, Drury, Copps, Agostino, Lombardo, Jackson,
Ross, Murray. - 9.

NAYS: Aldermen Cooke, Kiss, Christopherson, Gallagher. - 4. CARRIED.

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It was moved by Mayor Morrow and seconded by Alderman Murray.

RESOLVED: (a) That the Council of the Corporation of the City of Hamilton maintain
and develop people to people and city to city linkages furthering
mutual understanding and dialogue with the People's Republic of
China and that official delegations and exchanges with our twin City
of Ma'an shan continue and that the resolution of City Council of
November 14th, 1989, suspending official delegation exchanges and
imposing a suspension, be rescinded.

- (b) That a copy of this resolution be forwarded to the Federation of Canadian Municipalities for their information.

NOTE: At its meeting of June 27th, 1989, City Council agreed that the planned visit of a Chinese delegation from Ma'anshan, China, which was scheduled to take place in October, 1989, be suspended and, further, that a review of the twinning between the City of Hamilton and Ma'anshan, China, be undertaken in consultation with the Mundialization Committee and the Hamilton Chinese Community. Meetings were held with members of the Hamilton Mundialization Committee and representatives of the Hamilton Chinese Community and as a result suspension of twin city relationships with Ma'anshan, China, was implemented and in effect to this date. The above resolution renewing relationships is consistent with the Canadian Federal Government's formal policy towards China, the Federation of Canadian municipalities, and other major Canadian cities.

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It was moved by Alderman Hinkley and seconded by Alderman Lombardo.

RESOLVED: that the resolution of Mayor Morrow respecting relations with the People's Republic of China be referred to the Finance and Administration Committee with instructions that they consult with the Munidalization Committee and the Hamilton Chinese Community. -

YEAS: Mayor Morrow; Aldermen Cooke, Hinkley, Drury, Christopherson, Lombardo, Jackson, Gallagher, Ross, Murray. - 10.

NAYS: Aldermen Kiss, Copps, Agostino. - 3. CARRIED.

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It was moved by Alderman Gallagher and seconded by Alderman Ross.

RESOLVED: that Rule 8 of Procedural By-law No. 82-203 be suspended for this meeting of City Council to consider a resolution respecting the filling of vacancies on City Council. - CARRIED.

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It was moved by Alderman Gallagher and seconded by Alderman Murray.

RESOLVED: that a By-Election be called in Ward 6 and that any necessary arrangements be made to fill a possible vacancy in Ward 4, in order to call a By-Election on the earliest possible date. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

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It was moved by Alderman Hinkley and seconded by Alderman Copps.

RESOLVED: that Alderman M. Kiss be appointed Acting Mayor for the month of September, A.D., 1990. - CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Drury.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS; Mayor Morrow; Aldermen Cooke, Kiss, Agostino, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 14.

NAYS: 0. - CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Drury.

RESOLVED: that the following Bills be now read a first time:

A-115, A-116, A-117, A-118, A-119, A-120,
B-100, B-101, B-102,
C-121, C-122, C-123, C-124, C-125, C-126, C-127, C-128, C-129,
H-102, H-103 -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

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It was moved by Alderman Kiss, seconded by Alderman Drury, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Cooke in the chair.

A-115, A-116, A-117, A-118, A-119, A-120,
B-100, B-101, B-102,
C-121, C-122, C-123, C-124, C-125, C-126, C-127, C-128, C-129,
H-102, H-103 -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

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Consideration of the Bills (second reading).

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REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1990 and respectfully recommends:

1. That an Option to Purchase executed by Luigi Mammoliti on August 7, 1990 and scheduled for closing on or before November 22, 1990 for the purchase of part of the property at 844 Upper Wentworth Street required by the City for the extension of Fieldway Drive from Fieldway Drive to Millwood Place, be approved and completed.

NOTE: The subject property contains 1,287 square feet (119.56 square metres) and is shown as Parts 9 and 10 on Plan 62R-11054. Consideration in the amount of \$1.00 has been paid to the owners and forms part of the purchase price.

The purchase price of \$2.00 is to be charged to Account No. CF5698 528946015.

2. That the City Clerk be authorized and directed to:
 - (a) Give Notice of the City's Application for Approval to Expropriate for highway and municipal purposes,
 - (i) A parcel of land known municipally as Part of 1286 Upper James Street, measuring approximately 33 feet by 73.02 feet, described as Part 3 on Plan 62R-10161.
 - (ii) A parcel of land known municipally as Part of 1276 Upper James Street, measuring approximately 33 feet by 84.54 feet, described as Part 4 on Plan 62R-10161.
 - (iii) A parcel of land known municipally as Part of 11 Forbes Street, measuring approximately 72 feet by 33 feet, described as Part 5 on Plan 62R-10161.

These Notices will be given to all registered owners and tenants (as defined in The Expropriations Act) of the said lands.

- (b) Advertise Notice of the City's Application in a newspaper as required by The Expropriations Act; and,
- (c) Sign and receive the said Application for Approval of these Expropriations.

3. (a) That the City require Cochren Construction Company Limited, the Subdivider, to retain a Consulting Engineering to provide a report to the Commissioner of Regional Engineering with respect to lot grading in Greenhill Gardens, Phase 2, Plan 62M-494, addressing specifically drainage problems at Lot 5 (142 Cherryridge Close), including, a recommendation for the elimination of drainage problems at Lot 5 (142 Cherryridge Close) and, if required, the submission of a proposed amended grading plan for the subdivision. This report to be submitted to the Commissioner of Regional Engineering on or before September 15, 1990.
- (b) That Litigation Counsel report back to the Transport and Environment Committee with respect to the Consulting Engineer's report, together with a recommendation for resolution of the lot grading in this subdivision, and the drainage problem at Lot 5, Plan 62M-494 (142 Cherryridge Close) at the first meeting of the Transport and Environment Committee in October 1990.
4. That approval be given for establishing a \$15.00 administration and processing fee, in the Public Works Department for handling requests from legal firms to verify the status of snow clearing and weed cutting charges which are filed against their clients' properties; and, that this fee be increased annually for the rate of inflation rounded to the next dollar, to offset the City's administrative and processing costs in responding to these requests.
5. (a) That purchase orders be issued for the removal and/or replacement of underground fuel tanks in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

Stremler Equipment Service Ltd., Ancaster
In the amount of \$94,679.00 for tank removal/replacement at Public Works Districts Nos. 1, 4 and City Hall Garage.

Claybar Contracting, Div. Serv-A-Station Maintenance, Dundas
In the amount of \$39,795.00 for tank removal/replacement at Fire Stations Nos. 10, 11, 13 and Public Works District No. 2.
- (b) That a contract be entered into with Stremler Equipment Service Ltd. satisfactory to the City Solicitor.

NOTE: Lowest acceptable of four (4) tenders received. Funds provided in Fleet Services Underground Fuel Tanks Account No. 5200 CF649041007 (\$130,174.00) and Works Yard Turner Farm Account No. 5301 CF608741002.

6.
 - (a) That upon receipt of an appropriate survey plan prepared at the expense of the applicants, Mr. and Mrs. H. Stonehouse, a By-law to extend Sanatorium Road as a public highway from the south-west limit of 26 Leadale Place to a point 9.7 metres easterly, including a portion of the 0.30 metre reserve, be enacted by City Council.
 - (b) That the Commissioner of Engineering be authorized and directed to register the By-law.
7. That the local Approvals Branch of the Ministry of the Environment (MOE) be informed that:
 - (a) The City of Hamilton has no objection to PPM Canada Inc. carrying out PCB decontamination of 18,184 litres of PCB contaminated mineral oil at Hamilton Hydro's 450 Nebo Road facility in Hamilton provided that all environmental safeguards are implemented to the satisfaction of the Ministry, and that applicable City of Hamilton and Regional By-laws are complied with fully;
 - (b) No specific City of Hamilton or Regional permits are required for the work proposed by PPM Canada Inc.;
 - * (c) The 30 day notification period that is normally required after a Certificate of Approval is issued be waived so that the proposed work can be carried out as scheduled.
8.
 - (a) That the Mayor and City Clerk be authorized and directed to grant a four meter sewer easement to the Region, along the fronts of Lots 1 to 7 inclusive, in the Wheten Court Subdivision.
 - (b) That the City Solicitor be directed to prepare the documents for a sewer easement agreement to be executed by the Region.
9. That the City convey to Salci Developments Inc. the 1' reserve adjacent to the south limit of Beaverton Drive and the east limit of Acadia Drive (shown as Part 1 on MacKay, MacKay and Peters Plan 62R-11310) for the sum of \$1.00 provided that the owner enters into an agreement with the City of Hamilton to provide for the recovery of all land and servicing costs and for the execution of subdivision agreements with the City and with the Region of Hamilton-Wentworth.

* Recorded vote, see page 2936

10.
 - (a) That the request of Mr. A. Camani, owner of 25 Augusta Street, to discharge the encroachment agreement for this address, Instrument No. 145734 C.D. registered on December 7, 1979, be approved subject to the payment of the \$126.00 discharge fee.
 - (b) That the appropriate civic officials be authorized to execute the documents in relation to this discharge.

11. That the action of the Commissioner of Engineering in authorizing the application of Michael Temperley, agent for the Hess Village Merchants Association to temporarily close Hess Street South between George Street and King Street on Saturday, August 18, 1990 and Sunday, August 19, 1990 from 12:00 noon to 8:00 p.m. to hold a Jazz Festival, be approved subject to the following conditions:
 - (i) That the applicant receive a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
 - (ii) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department if deemed appropriate on the affected roadways, at the expense of the organizing group;
 - (iii) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City;
 - (iv) That the applicant provide proof of \$2,000,000.00 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the City harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss;
 - (v) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
 - (vi) That no property owner or resident within the barricaded area be denied access to their property if requested.
 - (vii) That all property owners and tenants along the closed portion of the street be notified of the festival by the applicant at least three weeks prior to the event in a form acceptable to the Commissioner of Engineering to be approved.

12. (a) That the Subdivider, DiCenzo Construction Company Limited, be advised of the receipt of a sufficiently signed petition, as outlined in Section 11 of the Local Improvement Act, for concrete sidewalk installation on both sides of Sorrento Place, and that said Subdivider proceed with construction.
- (b) That the Subdivider pay 100% of all costs (both the City's and the Owner's share under the Local Improvement Act) for the construction of the sidewalk.

13. (a) That the Standard City Subdivision Agreement be amended as follows:

Delete Section VI - Trees and Seeding - Schedule "G" and introduce a new Section VI - Trees and Seeding:

Trees and Seeding

- (i) The subdivider shall seed to the satisfaction of the City Engineer untravelled portions of the highways within the subdivision or on which the subdivision abuts, and maintain same as set out in Schedules E and F appended hereto, This work shall be completed within six months after installation of sidewalks and curbs.

The estimated cost thereof is \$ _____

- (ii) The subdivider shall pay the actual cost to the City for planting of trees on City streets generally at the rate of one tree per lot and at a similar frequency for flankages of Blocks.

The estimated cost thereof, as shown on Schedule F, is to be deposited at the time of execution of the agreement, with adjustments to be made thereto upon the completion of planting.

The estimated cost of the trees is \$ _____

- (b) The above amendment shall be applied to all subdivisions for which schedules of work are approved after the adoption of the amendment to the subdivision agreement by City Council.

14. (a) That the following City lands be incorporated into the various streets as noted in Appendix "A", appended hereto:
- | | |
|--------------------------------|---------------------|
| Parts 9 and 10, Plan 62R-10132 | Dragoon Drive |
| Lot 101, Plan M-163 | Fairington Crescent |
| Part 2, Plan 62R-10638 | Fairington Crescent |
| Parts 3 and 4, Plan 62R-10203 | Rambo Street |
- (b) That the By-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by City Council.
- (c) That the Commissioner of Engineering be authorized and directed to register the By-laws.
15. (a) That Appendix "B" attached hereto for the estimated costs of services in:
- (i) Coventry Gardens, Hamilton
City's Share - \$523,127.00, Subdivider's Share - \$230,838.16
 - (ii) Abbey Hill Farm - Phase 2, Hamilton
City's Share - \$48,278.28, Subdivider's Share - \$138,178.97
 - (iii) South Hill Subdivision, Hamilton
City's Share - Nil, Subdivider's Share - \$348,259.65

be adopted for inclusion in the respective Subdivision Agreements with the Owners.

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements between the City and the respective Owners.
- (c) That the approval of the above recommendations be subject to the condition that no work be commenced until the Final Survey Plans and Subdivision Agreements have been registered.
- (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he should be permitted to do so as his own risk, provided that he enters into a Standard Agreement for Pre-Servicing.
- (e) That the City's share of the cost of services for these developments (\$571,405.28) be approved, and that the Finance and Administration Committee recommend the source of funding for projects.

16. That the City Traffic By-law No. 89-72 be amended to provide for the following:
- (a) That the following sections of street be deleted from the snow route system:
 - both sides of Charlton Avenue West between Queen and Locke Streets
 - south side of Charlton Avenue West between Locke and Dundurn Streets
 - north side of Herkimer Street between Queen and Dundurn Streets
 - (b)
 - (i) That stopping be prohibited on the west side of Chapple Street commencing at Barton Street East and extending to a point 102 feet northerly therefrom; and
 - (ii) That the existing parking prohibition on the west side of Chapple street commencing at a point 129 feet north of Barton Street and extending to a point 133 feet northerly therefrom, be removed.
 - (c)
 - (i) That a "No Parking" regulation be implemented on the east side of West Avenue South between Young Street and Stinson Street; and
 - (ii) That a "Permit Parking" regulation be implemented on the west side of West Avenue South commencing at a point 133 feet south of Stinson Street and extending to a point 20 feet southerly therefrom; and
 - (iii) That a "One Hour Parking Time Limit" regulation be implemented on the west side of West Avenue South commencing from Stinson Street and extending to a point 133 feet southerly therefrom; and
 - (iv) That a "One Hour Parking Time Limit" regulation be implemented on the west side of West Avenue South commencing 153 feet south of Stinson Street and extending to a point 23 feet southerly therefrom.

- (d) (i) That a "Permit Parking" regulation be implemented on the north side of Somerset Avenue commencing at a point 302 feet west of Barnesdale Avenue North and extending to a point 20 feet westerly therefrom; and
- (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Luigi Di Vincenzo, 33 Somerset Avenue.
- (e) (i) That a "Permit Parking" regulation be implemented on the west side of Madison Avenue commencing at a point 135 feet south of Cannon Street East and extending to a point 20 feet southerly therefrom; for the first half of each month from April to November and during the winter months in accordance with the existing "Alternate Side Parking" regulation; and
- (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Jose Da Costa, 31 Madison Avenue.
- (f) That the existing full time "Wheelchair Loading Zone" regulation on the east side of Chestnut Avenue which commences 188 feet north of Cannon Street and extends to a point 22 feet northerly therefrom, be revised such that the regulation is in effect from 8:00 a.m. to 9:00 p.m., seven days a week.
- (g) That a "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 8:00 p.m., 7 days a week" regulation be implemented on the east side of Tragina Avenue North commencing at a point 587 feet south of Barton Street East and extending to a point 20 feet southerly therefrom.
- (h) That a "No Stopping, Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation be implemented on the north side of Howe Avenue commencing at a point 62 feet west of East 17th Street and extending to a point 25 feet westerly therefrom.
- (i) (i) That a four-way stop control be implemented at the intersection of Upper Horning Road and Guildwood Drive; and
- (ii) That a School Crossing Guard be assigned to the intersection of Upper Horning Road and Guildwood Drive;
- (iii) That a review of the effectiveness of a School Crossing Guard at Upper Horning Road and Guildwood Drive be conducted after a 6 month period.

- (j) That eastbound traffic on Vansitmart Avenue be required to stop for northbound and southbound traffic on Talbot Street.
- (k)
 - (i) That northbound traffic on Millpond Place be required to stop for eastbound and westbound traffic on Rexford Drive;
 - (ii) That northbound traffic on Robson Crescent (west leg) be required to stop for eastbound and westbound traffic on Rexford Drive; and
 - (iii) That northbound traffic on Robson Crescent (east leg) be required to stop for eastbound and westbound traffic on Rexford Drive; and
 - (iv) That northbound traffic on Rowan Court be required to stop for eastbound and westbound traffic on Rexford Drive.
- (l) That the existing eastbound/westbound stop control at the intersection of Halam Avenue and Shadyside Avenue be switched such that northbound and southbound traffic on Shadyside Avenue would be required to stop for eastbound and westbound traffic on Halam Avenue.
- (m) That northbound traffic on Cheever Street be required to stop for eastbound and westbound traffic on Mars Avenue.

17. That, in accordance with the request of the Hamilton Street Railway Company, the following bus stops be established:

Route No. 4 Bayfront and Route No. 57 Nash

- Northbound - Kenora Avenue, 177 feet north of Barton Street East (M/B)
- Northbound - Kenora Avenue, 115 feet south of Bancroft Street (M/B)
- Westbound - Bancroft Street, 460 feet west of Kenora Avenue (M/B)
- Southbound - Nash Road, 184 feet south of Bancroft Street (M/B)
- Southbound - Nash Road, 165 feet north of Barton Street East (M/B)

18. That the City Solicitor be directed to prepare an agreement with CP Rail for the attachment of traffic signal equipment to the CP Rail structure (mileage 57.83 Fort Erie Subdivision) at the intersection of Catharine and Hunter Streets.
19.
 - (a) That the existing residential boulevard parking agreement between the City and Edward Pearman and William Theule, registered as Instrument No. 138201 C.D. to the property at 138 East 23rd Street, be discharged, at the property owners expense; and
 - (b) That the City Solicitor be directed to prepare the necessary documents in relation to the discharge of this agreement; and
 - (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.
20. That the Director of Traffic Services be authorized to issue, at no charge, temporary time limit exemption permits to residents whose access to their property is cut off during construction periods.
21. That the cost of installing 54 new parking meters on Ottawa Street between Cannon and Barton Streets, which is approximately \$35,000.00, be charged as an overdraft to the City Traffic Department Account No. CHXXXX 75999 (Parking Meters).
22.
 - (a) That the tube style taxi stand signing be approved; and
 - (b) That an initial expenditure for one taxi stand sign be approved.
23.
 - (a) That pedestrian crosswalk lines be painted across Upper Wentworth Street at a point approximately 180 metres south of Mohawk Road.
 - (b) That the Commissioner of Engineering be directed to investigate the feasibility of installing wheelchair ramps and sidewalk extensions to accommodate the pedestrian crosswalk, and;
 - (c) That a recommendation be forwarded to the Engineering Services Committee recommending the implementations of a two-way left turn lane on Upper Wentworth Street from a point approximately 203 metres south of Mohawk Road to 83 metres southerly.
 - (d) That a recommendation be forwarded to Engineering Services Committee for the prohibition of U turns at both ends of the median cut on Upper Wentworth Street South of Mohawk Road and at the left turn slot from Upper Wentworth to the northerly entrance to Limeridge Mall.
 - (e) That By-law R-89-038 be amended accordingly.

- * 24. (a) That the Hamilton-Wentworth Police be requested to provide additional speed enforcement on Stone Church Road in the vicinity of Walker's Pool.
- (b) That the City of Hamilton recommendation be forwarded to the Engineering Services Committee for their consideration.

25. That leave be granted to introduce the following Bills:

Bill A-115 A By-law to Incorporate Parts 9 and 10, Plan 62R-10132 into Dragoon Drive

Bill A-116 A By-law to Incorporate All of Lot 101, Plan 62M-163 into Fairington Crescent

Bill A-117 A By-law to Incorporate Part 2, Plan 62R-10638 into Fairington Crescent

Bill A-118 A By-law to Incorporate Parts 3 and 4, Plan 62R-10203 into Rambo Street

Bill A-119 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Bill A-120 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Tina Agnello, Secretary
August 20, 1990

mjlw

* Section 24, deleted and the Clerk was directed to request the Chief of Police to produce additional special information on Stone Church Road in the vicinity of Walker's Pool.

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason for being Incorporated</u>	<u>File No.</u>
Dragon Drive	Parts of Lot 12 Conc. 8, (formerly Barton Township) designated as Parts 9 & 10 on Plan 62R-10132	N/A	To provide access to & from Parts 1 & 2 Plan 62R-10132 to Dragon Drive as established by City of Hamilton By-Law No. 90-204	8610-03 8723-44
Fairington Crescent	Lot 101, Plan M-163	N/A	To provide access and hook-up with Fairington Crescent, Plan 62M-666 and Fairington Crescent, Plan 62M-163	S705-20 S705-27
Fairington Crescent	Part of Lot 27, Con. 2, Geographic Township of Saltfleet, designated as Part 2, Plan 62R-10636	N/A	To provide access and hook-up between the two separated portions of Fairington Crescent on Plan 62M-666	S705-27
Rambo Street	Parts of Lot 3, Registered Plan 1059 designated as Parts 3 and 4, Plan 62R-10203 (excepting those parts of said Lot 3, designated as Parts 1 & 2, Plan 62R-11178)	N/A	To provide access and hook-up between Rexford Drive and Stone Church Road	S718-64

-2959-

Appendix "A" as referred
to in Section 10 of the
ELEVENTH Report of the
Transport and Environment
Committee

None of:

- SUBDIVISION
- DEVELOPER
- CONSULTANT
- SURVEYOR

08/28/90

SCHEDULE "B"

-28-0-

# OF LOTS and LOCATION	SUBDIVISION AGREEMENT AUTHORIZATION	DESCRIPTION OF WORKS	0.3 METRE RESERVE COSTS	NON-RECOVERABLE & OVERSIZED COSTS	TOTAL CITY'S SHARE	TOTAL SUBDIVIDER'S SHARE	TOTAL SERVICING COSTS
COVENTRY GARDENS CARRIAGE GATE HOMES A. J. CLARKE (Consultant and Surveyor)	45 90-05-29 Report 11-90 Item 15(b)	Catch Basins & Connections Curbs & Sidewalks Finished Roads Dead End Barricade Street Lighting Fencing Storm, Sanitary Sewers and Water Gravel driveway Seeding	\$ 3,819.00 \$ 10,577.00 \$120,390.00 NIL \$ 2,340.00 NIL NIL NIL NIL NIL NIL	\$ 30,646.00 \$ 63,183.00 \$ 59,198.00 \$ 2,034.00 \$ 8,160.00 \$ 3,955.00 \$206,634.00 \$ 11,300.00 \$ 891.00	\$523,127.00 + \$230,838.16 = \$753,965.16		
ABBEY MILL FARM PHASE - 2- SPEDACO HOLDINGS LTD. ASHENHURST HOLDINGS LTD. (Consultant and Surveyor)	18 89-12-12 Report 28-89 Item 10 (b)	Catch Basins & Connections Curbs & Sidewalks Finished Roads Dead End Barricade Street Lighting Fencing Storm Sanitary Sewers and Watermain	NIL NIL NIL NIL NIL NIL NIL NIL NIL	NIL \$ 6,304.15 \$ 13,194.70 NIL \$ 1,179.00 \$ 4,347.00 \$ 22,153.87	\$ 48,278.28 + \$138,178.97 = \$186,457.25		
SOUTH MILL SUBDIVISION WARD PARK DEVELOPMENTS ASHENHURST HOLDINGS LTD. (Consultant and Surveyor)	59 88-12-13 Report 1-89 Item 7 (c)	Catch Basins & Connections Curbs & Sidewalks Finished Roads Dead End Barricade Street Lighting	NIL NIL NIL NIL NIL NIL	NIL NIL NIL NIL NIL NIL	NIL + \$348,259.65 = \$348,259.65		
TOTALS			\$137,126.00	\$433,179.72	\$571,405.28	\$717,276.78	\$1,288,682.10

Appendix "B" as referred to in Section 15 of the ELEVENTH Report of the Transport and Environment Committee

- * OVERSIZING EXPENDITURES are Non-Recoverable
- * 0.3 METRE RESERVE EXPENDITURES are Fully Recoverable

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **FIFTEENTH** Report for 1990 and respectfully recommends:

1. (a) That the Guidelines (including Membership and Reporting Mechanism) appended hereto as Schedule "A", for a Joint Plaquing Sub-Committee for the Hamilton Historical Board and Local Architectural Conservation Advisory Committee be approved.

(b) That per the Guidelines, the following be appointed to the Joint Plaquing Sub-Committee:
 - i. Alderman Wm. McCulloch - Hamilton Historical Board and LACAC
 - ii. Dennis Missett - Hamilton Historical Board
 - iii. Ken Bennett - Hamilton Historical Board
 - iv. Brian Henley - LACAC and Hamilton Historical Board
 - v. Nina Chapple - LACAC
2. That approval be given to establish a "Dundurn Castle Restoration" Reserve Fund for the purpose of restoration/conservation work to be carried out on Dundurn Castle and ancillary buildings as identified in the Building Conservation Study by Quadrangle Consultants.
3. That approval be given to purchase programme equipment, at an estimated cost of \$1 000, with funds being provided from The Children's Museum Trust Fund Account No. CH5X699 00403.
4. That approval be given to create an "Orientation Area" for Dundurn Castle at an estimated cost of \$10 000 with funds being provided from Furnishing Account No. CH58004 71001.

5.
 - (a) That the month of May 1991 be designated as Arts Awareness Month in order to provide a specific time period to focus on the arts in Hamilton.
 - (b) That the Department of Culture and Recreation and the Arts Advisory Sub-Committee co-ordinate a community wide promotional effort.
6.
 - (a) That Shedaco Holdings Limited be paid the sum of \$217 965 as full market value compensation for their remaining parkland credit balance of 5,348.76 square metres (1.321 acres), upon receipt of a Release prepared by the owners in a form satisfactory to the City Solicitor.
 - (b) That payment be charged to Account No. CH 5X306 00201 ("Reserve Acquisition of Land Under the Planning Act") which has sufficient funds available.
7. That Hamilton Entertainment and Convention Facilities Inc. be granted permission to serve food and alcoholic beverages on Commonwealth Square during the Canadian Dairy Bureau Cycling Challenge, to be held Friday, 1990 September 28, subject to the following terms and conditions:
 - (a) That proof of \$2 million General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured be provided.
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, clean-up, etc.)
 - (c) That alcoholic beverages be served in the designated areas.
 - (d) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcoholic beverages.
 - (e) That Special Duty Officers as deemed necessary by the Hamilton Wentworth Regional Police be provided at the applicants expense.
8. That the membership rates for recreation centres, arenas, outdoor pools and golf courses be increased at a rate equated to the annual cost of living index commencing January 1st of each year.

9.
 - (a) That the Department of Culture and Recreation be authorized to approve sponsorship for minor hockey and ringette programs using municipal arenas under the Hamilton Minor Hockey Council and the Hamilton Ringette League.
 - (b) That the sponsorship program be limited to a maximum of \$150 per houseleague team with name recognition permission.
 - (c) That the Director of Culture and Recreation be authorized to increase the allowable sponsorship, on a year to year basis based on the rate of inflation, and upon request by the Hamilton Minor Hockey Council and the Hamilton Ringette League.
10. That approval be given of the action taken by the Director of Culture and Recreation, to allow the Rotary Club/Molson's Brewery to sell alcoholic beverages in conjunction with their Media Day to be held at Globe Park on Sunday, 1990 August 12 subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - (c) That the applicant assume responsibility for all labour related costs as a result of this event.
 - (d) That the concessionaire be contacted to make the necessary arrangements for the provision of food.
 - (e) That Special Duty Officers, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicants expense.
11.
 - (a) That approval be granted to waive rental fees, clean-up and labour related charges associated with the use of Ivor Wynne Stadium, on 1990 June 26 and August 16 for purposes of holding membership meetings by the United Steelworkers of America, Local 1005.
 - (b) That proof of \$2 million Comprehensive General Liability Insurance for Bodily Injury and Property Damage, naming the City as co-insured be provided.

12. (a) That Mr. Tony Russo, Hamilton, be awarded the food and drink concession at Lawfield Arena in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal, for a term of twelve (12) months commencing 1990 September 01.
- (b) That in accordance with the contract there will be no revenue received from this concession unless there is a profit at the end of the twelve month period. The amount of revenue to be received is 8% profit.
- (c) That a contract be entered into satisfactory to the City Solicitor.

NOTE: As this concession has not been operated since April 1990 and there are ongoing activities at the Arena, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

13. (a) That a Foreman III (13C) position be approved in the Facilities (Sports Stadia) Section of the Parks Division of Public Works Department;
- (b) That this position be posted immediately and filled.

14. (a) That a purchase order be issued to McLean-Peister Limited, Kitchener, in the amount of \$150 499 to provide the fence and walkway reconstruction of Sam Lawrence Park in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest of nine (9) tenders received. Funds provided in Sam Lawrence Redevelopment Account No. CF 5255 628954002.

15. (a) That a purchase order be issued to Michael Bruen Construction, Hamilton in the amount of \$108 486 to provide site improvements and landscaping at Wellington Park in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest of seven (7) tenders received. Funds provided in Wellington Park Improvements Account No. CH56398 62910.

16. (a) That a purchase order be issued to Crystal Fountains, Scarborough, in the amount of \$60 748 to design, fabricate and install an historical fountain in Wellington Park in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.
- (b) That a contract be entered into satisfactory to the City Solicitor.
- * (c) That the above be subject to the Director of Public Works investigating the feasibility of utilizing the Fountain formerly in Gore Park.

NOTE: Lowest acceptable of eight (8) proposals received. Funds provided in Wellington Park Redevelopment, Capital Funds Account No. 703 5858.

17. That a purchase order be issued to Jacobs Greenhouse Manufacturing Limited, Delhi, in the amount of \$20 440 to reglaze Greenhouse #2 at Gage Park, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of three (3) quotations received. Funds provided in Contractual Services, Greenhouse Operations Account No. CH56398 62218.

18. That a purchase order be issued to Trystan, Brantford, in the amount of \$51 435 for the supply and delivery of Tree Grates for the Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Only quotation received. Funds provided in Stock Materials Account No. 56197 60999.

19. (a) That 768811 Ontario Limited o/a Tiger Beverages, Hamilton, be awarded the contract to supply, service and maintain vending machines at various rinks, pools and community centres in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal, as follows:

Hot Drink Beverage - Price per cup .50 - Commission per cup 0.18
Cold Drink Beverage - Price per cup. 75 - Commission per can 0.15
Chip/Snack Machine - 15% commission per item

The term of the agreement is to be from 1990 August to 1991 November 30, with an option in favour of the City to extend for one additional twelve month term.

- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Only supplier to bid.

* Section 16(c) added during City Council

20. That a purchase order be issued to S & S Electrical Services, Ancaster, in the amount of \$29 789 to provide the lighting upgrade at Churchill Lawn Bowling Club in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of seven (7) quotations received. Funds provided in Lighting, Churchill Lawn Bowling Club Account No. CF5200 629054015.

21. That a purchase order be issued to Connon Nurseries Neil Vanderkruk Holdings Inc., Waterdown, in the amount of 37 193.90 plus 8% Provincial Sales Tax, for the supply and delivery of various trees for Fall planting by the Parks Division, Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of seven (7) tenders received. Funds provided in Work Done For Others Account No. CH56103 62910.

22. That a purchase order be issued to retain Quadrangle Architects Limited, Toronto, as Consultants for architectural services for roof repair/replacement and restoration work at Dundurn Castle, in accordance with Request for Proposal issued by the Manager of Purchasing and Vendor's proposal and Terms of Reference. Approximate total cost \$45 000.

NOTE: Funds provided in the Major Maintenance to Civic Buildings Account No. CF5200 318941003.

23. That the guidelines for the supply and purchase of playlot equipment approved by City Council on 1986 May 13 and as amended by City Council on 1986 October 26 be further amended to include the following provisions:

- (a) i. That the City provide an initial start up fund of \$10 000 towards the purchase of an "integrated" playstructure, where there is an organized Community Group.
- ii. That the City provide an additional contribution by matching monies raised by the Community for an integrated structure at a ratio 2:1.
- (b) That the Capital Budget for playstructures financed from the Reserve for Parkland be reviewed to accommodate the increased funding requirements.

- (c) i. That in accordance with the amended Playlot Equipment Policy as outlined in Section 23 (a) above, approval be given to the allocation of funds for the purchase and installation of "integrated" playground equipment for Armstrong Park in the amount of \$10 000.
 - * ii. That in consideration of the fact that the allocation in the 1990 Capital Budget for Playground Equipment has been fully committed and owing to the fact that no other source of funding can be identified by the Parks and Recreation Committee it is respectfully recommended that the Finance and Administration Committee recommend the method of financing the \$10 000 for an integrated playstructure.
24. That the Terms of Reference for the Pier 4 Park Development Concept plan be revised in conjunction with the Hamilton Harbour Commissioners to include the investigation of the feasibility of linkage to Pier 8 and Eastwood Park along Guise Street.
25. That leave be granted to introduce the following Bills:
- (a) B-100 Renovations and Repairs to Ivor Wynne Stadium
 - (b) B-101 Construction or Repair of Parking Lots or Pathways at Various Locations
 - (c) B-102 Relocation of Sherwood Branch Library.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Attach.

1990 August 21

* Section 23(c)ii. amended to read:

That in consideration of the fact that the allocation in the 1990 Capital Budget for Playground Equipment has been fully committed and owing to the fact that no other source of funding can be identified by the Parks and Recreation Committee recommends that this expenditure be financed from the 5% Parks Fund.

**JOINT PLAQUING SUB-COMMITTEE
HAMILTON HISTORICAL BOARD/LOCAL ARCHITECTURAL
CONSERVATION ADVISORY COMMITTEE**

MEMBERSHIP:

The Joint Sub-Committee shall be comprised of two members of the Local Architectural Conservation Committee (one of whom is the LACAC representative on the Hamilton Historical Board) and two members of the Hamilton Historical Board, all appointed annually, as well as one alderman (sitting on either LACAC or the Historical Board). The Sub-Committee will select its chairperson.

REPORTING MECHANISM:

1. Proposals for plaques to be funded all or in part with municipal monies and/or to be erected on municipal property shall be forwarded to the Joint Plaquing Sub-Committee for discussion and approval.
2. The Joint Plaquing Sub-Committee, if appropriate, may liaise with the federal and provincial governments concerning plaquing.
3. Submissions for City of Hamilton historical plaques from individuals or from organizations shall be forwarded to the Plaquing Sub-Committee in writing. Full information as to significance shall accompany the submission. Submissions will be evaluated by the Sub-Committee for accuracy.
4. Submissions approved by the Plaquing Sub-Committee shall be forwarded simultaneously to the next regular meetings of both the Hamilton Historical Board and the Local Architectural Conservation Advisory Committee for comments and/or approval.
5. Submissions approved by both the Hamilton Historical Board and the Local Architectural Advisory Sub-Committee shall be forwarded by the Hamilton Historical Board to the Parks and Recreation Committee for approval.

GUIDELINES FOR PLAQUING

Two general categories of plaques have been established: COMMEMORATIVE PLAQUES and DESIGNATION PLAQUES (for structures, streetscapes, etc. designated under the Ontario Heritage Act or located within a designated Heritage Conservation District).

PLAQUES MAY BE AWARDED FOR THE FOLLOWING REASONS:

1. DESIGNATION PLAQUES

Designation of a structure, streetscape, or area under the Ontario Heritage Act.

2. COMMEMORATIVE PLAQUES

NOTE: More than one category may apply.

Architectural Reasons may include age, style and/or location.

The building is noted for one or more of the following characteristics:

- * an outstanding example of an architectural style
- * an exceptionally early building
- * an unusual building type, structure, or composition
- * the first or last of a kind
- * an important visual landmark
- * a special relationship between building and site
- * the work of a major architect
- * a group of buildings which form an important streetscape
- * an exemplary restoration or adaptive re-use project

Historical/Prehistoric Importance

- * close association with a noteworthy person (to recognize their lasting importance; chosen because of their association with the place)
- * close association with a noteworthy event
- * effectively illustrates a significant, broad pattern cultural, social, political, military, economic or or industrial history or pre-history

RECOMMENDATIONS:

1. That the Joint Plaquing Sub-Committee design a form for plaquing submissions.
2. That a Plaquing Register listing existing and potential plaques and outlining their significance be established and maintained by the Joint Plaquing Sub-Committee. This Plaquing Register should include buildings in Hamilton designated under the Ontario Heritage Act.
3. The Joint Plaquing Sub-Committee should adhere to City policies regarding language. The Sub-Committee should consider additions to the English text if appropriate.
4. The Joint Plaquing Sub-Committee should examine issues relating to the location of plaques, their maintenance, ownership of plaques, and the replacement of damaged plaques.
5. The Joint Plaquing Sub-Committee should consider integrating the plaquing program (including both existing and future plaques) into broader heritage activities (e.g. walking tours).
6. The Joint Plaquing Sub-Committee should examine closely the question of legal liability in regards to plaquing on private property.
7. A uniform design should be established for both categories of plaques.
 - a) Descriptive texts should be used on plaques.
 - b) Illustrative plaques should be considered if appropriate.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **SIXTEENTH** Report for 1990 and respectfully recommends:

- * 1. That the Hamilton and District Soccer Association be granted permission to sell food and alcoholic beverages at Mohawk Sports Complex for events of 1990 September 8 and 15, subject to the following terms and conditions:
 - (a) That proof of \$2 million General Liability Insurance for Property Damage and Bodily Injury naming the City as co-insured be provided.
 - (b) That the applicant assume responsibility for all labour charges associated with the events (set-up, clean-up, etc.)
 - (c) That alcoholic beverages be served in a fenced and confined area, in accordance with the L.L.B.O. regulations.
 - (d) That the applicant adhere to all regulations stipulated by the Liquor Licence Board in the provision of alcoholic beverages.
 - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicants expense.
 - (f) That each date be contingent upon the supervision and orderly conduct of the previous date.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 August 28

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1990 and respectfully recommends:

1. That a repayable loan under the Commercial Facade Loan Programme, in the amount of twelve thousand, eight hundred and forty-one dollars (\$12,841.) be approved for 201 King Street East, Mr. F. Lauinger. The interest rate will be 7-3/8 percent, amortized over 10 years.
2. That an increase under the Commercial Facade Loan Programme, in the amount of three thousand, nine hundred and forty-five dollars (\$3,945.) be approved for 207-209 King Street East, Mr. Ung Kim, for a new loan amount of forty-two thousand, two hundred and forty-six dollars (\$42,246.). The interest rate will be 7-3/8 percent, amortized over 10 years.
3. That the City Solicitor be authorized and directed to prepare an Expropriation By-law to expropriate properties at 19 Gerrard Street and 393 Sherman Avenue North for the purpose of acquiring lands, buildings and structures used or erected for a purpose that does not conform with a by-law passed under Section 34(8) of The Planning Act, S. O. 1983, Chapter 1.

NOTE: These two residential properties are required to remove residential uses from the Industrial zoned areas of the Alpha Enclave, which are west of Sherman Avenue North and north of Barton Street East. To date, the City has already acquired 24 of the 39 properties in the Alpha West part of this project. As authorized by Council on 1989 June 27, and 1989 March 28, Notice of the City's intention to expropriate these two residential properties in an industrial zone have been advertised and served upon all persons having an interest in these lands and no request for an inquiry hearing into the proposed expropriations has been received.

4. That the City of Hamilton accept the sum of \$10,200. as cash payment in lieu of 5% parkland dedication, in connection with Beaverton Estates, Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Sherman Avenue and south of Stone Church Road East in the Butler Neighbourhood, Hamilton.

5. (a) That the City Solicitor be authorized to prepare a by-law for the clearing of the premises located at municipal number 1306 King Street East of domestic and industrial waste, for presentation to City Council.
- (b) That the City Solicitor be authorized to prepare a by-law for the repair of the building in accordance with the Orders issued, which have been before the courts and convictions registered, for presentation to City Council.

NOTE: The cost of the removal of this domestic waste and repairs to the building will be added to the tax roll to be collected in a like manner as municipal taxes. It is estimated that the cost of the removal of this waste and repairs to be approximately \$5,000. plus administration costs.

6. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 702 Stone Church Road East
 - (b) 46 Limeridge Road East
7. That in accordance with Phase II of the H.S.R. Bus Shelter Proposal, that the H.S.R. be given approval to install bus shelters in the proposed locations other than Gore Park as follows:
 - (a) 2 transit shelters on James Street South, west side, south of King Street West (Canadian Imperial Bank of Commerce and the Pigott Building).
 - (b) 2 transit shelters around the Eaton's Centre, one on James Street North, west side, near York Boulevard and one on York Boulevard, south side, near James Street North.
 - (c) 1 transit shelter to be installed in front of the Standard Life Building, north side, of King Street West at Bay Street.

NOTE: On 1989 April 25, City Council approved Phase I of the H.S.R. Transit Shelter Proposal as recommended by the Downtown Action Plan Co-ordinating Committee (DAPCOM).

On 1990 July 12 the Downtown Action Plan Co-ordinating Committee with representation from the Urban Design Committee and the Veteran's Committee, heard a presentation by H.S.R. regarding the placement of additional transit shelters in the downtown area.

DAPCOM did not approve the location of any transit shelters in the Gore Park area until the Public Works Department co-ordinates a Committee and initiates a comprehensive review of Gore Park, its maintenance, uses and design elements and reports back to the Downtown Action Plan Co-ordinating Committee. This Committee will be comprised of representatives from DAPCOM, CAPIC, Urban Design, the Downtown Promenade B.I.A. and various technical staff.

8. That, the Sanitation Implementation Committee proceed with the development of a second yearly "Keep Hamilton Clean Public Service Announcement" in co-ordination with the Broadcasting Department at Mohawk College, the Keep Hamilton Clean Committee and the Downtown Action Plan Co-ordinating Committee (DAPCOM) to promote the objectives of Phase IV of the Downtown Action Plan, Sanitation Study.

NOTE: The approximate cost to hold a Public Service Announcement competition is three thousand dollars (\$3,000.) Funds are available in Phase IV of the Downtown Action Plan under the Account No. CF 5698 428803006.

9. (a) That Hamilton Entertainment and Convention Facilities Inc. (Hamilton Place Theatre) be authorized to use a portion of Commonwealth Square measuring approximately 36 feet x 60 feet, situated immediately west of the doors leading to and from the Piano Nobile of the Theatre, for the purposes of establishing an outdoor patio to be used in conjunction with events taking place at the Theatre, at the pleasure of City Council.
 - (b) That the use of Commonwealth Square by Hamilton Entertainment and Convention Facilities Inc. be approved subject to Hamilton Entertainment and Convention Facilities Inc. receiving approval from the Liquor Licence Board of Ontario to extend their licence to this outdoor area.
- 10.(a) That the non-residential property located at 43 Elgin Street which was approved for acquisition by City Council on 1976 March 9, be acquired through expropriation for municipal and park purposes and that the City Solicitor be directed to take the appropriate actions required, including preparation of all appropriate by-laws.
 - (b) That the City Clerk be authorized and directed to:
 - (i) Give Notice of the City's Application as Expropriating Authority to all owners, registered owners and tenants (as defined in The Expropriations Act) for approval to expropriate for Park and Recreational purposes pursuant to the approved Beasley Neighbourhood Plan;

- (ii) Advertise Notice of the City's Application in a newspaper as required by the Expropriations Act; and,
- (iii) Sign and receive the said Application for Approval to Expropriate.
- (c) That the amount of \$150,000. be transferred from Account No. CH 00201 (Reserve for Parklands) to Account No. CF 5590 628650005 (Beasley Park Acquisition).
- (d) That the costs associated with this expropriation be charged to Account No. CF 5590 628650005 (Beasley Park Acquisition).
- (e) That the Director of Property and the City Solicitor be authorized to terminate the lease and obtain vacant possession of the property located at 44 Elgin Street.

NOTE: The subject lands are required to implement the approved Beasley Neighbourhood Plan, first adopted by City Council on 1973 November 27, and most recently revised in 1990 January. The subject lands have been designated "Park and Recreational" on the plan, and more specifically, have been designated as a "Priority One Park" pursuant to Council's adoption of Section 17 of the Report of the Board of Control on 1976 March 9.

In order to meet the critical path scheduling for construction in the Spring of 1991 for the Central/Beasley P.R.I.D.E. programme, approved by City Council in the 1990-1994 Capital Budget and 50% funded by the Province, expropriation is required at this time. This is consistent with the policy approved by City Council on 1977 May 10 by the adoption of Item 4(c) of the Fifth Report of the Parks and Recreation Committee.

- 11. That approval be given to amended Zoning Application 90-24, Pietro and Maria Giraldi, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive, for property located at the rear of 779 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the subject property be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 779 Rymal Road East.

The effect of the By-law is to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive.

12.(a) That Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at 150-158 Catherine Street South, as shown on the attached map marked as Appendix "B", be DENIED as submitted, for the following reason:

(i) A portion of the subject lands (150-152 Catherine Street South) is occupied by two "listed" heritage buildings. In this regard, City Council previously denied the applicant's request for a demolition permit and placed the lands under Demolition Control. Approval of the application would undermine the intent of Council's application of the Demolition Control provisions of the Planning Act.

(b) That approval be given to an amended Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at 156-158 Catherine Street South, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (1.) That notwithstanding Section 11C(1)(i) of By-law No. 6593 and in accordance with Section 38 of the Planning Act R.S.O. 1983, the temporary parking of motor vehicles for a three year period from the date of the passing of the by-law shall be permitted.
- (2.) That a minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.
- (3.) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1186, and that the subject lands on Zoning District Map E-5 be notated S-1186;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (c) That the amending by-law not be passed by City Council until a Site Plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the by-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District, for the properties located at 156-158 Catherine Street South.

The effect of the by-law is to permit the use of the subject lands for a temporary parking lot not to exceed three years. In addition, the by-law provides for the following special requirements:

- (a) A minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines; and,
 - (b) A minimum 1.5 m wide landscaped strip to be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.
13. That Zoning Application 90-53, Hamilton Builders Supply Ltd., owner, requesting a modification to the established "AA" (Agricultural) District regulations, to establish the appropriate zoning for the existing builders supply business and permit the construction of a new warehouse on the property located at 164 Limeridge Road East, as shown on the attached map marked as Appendix "D" be **DENIED** for the following reasons:
- (a) It is contrary to the Official Plan which designates the property "Residential"; and,
 - (b) The use would be incompatible and out of character with existing and proposed development in the surrounding area.

14. That approval be given to Zoning Application 90-45 Simcoe and Erie General Insurance Co., Lessee, for a further modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit an extension of the temporary use of the lands for parking purposes for a further three-year period in accordance with Section 38 of the Planning Act, for property located at 39 and 41 Devonport Street, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B(6)(a)(iii) of Zoning By-law No. 6593, as amended by By-law 82-225, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands for parking of motor vehicles accessory to the use of the land at 505 York Blvd. for a further three-year period during which the owner of the land at the time of passing of this By-law continues to be the owner thereof, whichever is the lesser;
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-717b, and the subject lands on Zoning District Map W-11 be notated S-717b;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council;
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable to property located at 39 and 41 Devonport Street.

The effect of the By-law is to permit the temporary use of the lands for parking purposes accessory to the use of land located at 505 York Blvd., for a further three-year period in accordance with Section 38 of the Planning Act or for the period during which the owner of the land at the date of passing of this By-law continues to be the owner thereof, whichever is the lesser.

- 15.(a) That approval be given to Zoning Application 90-51, 789068 Ontario Ltd. (D. Valentini), owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit development of the subject lands for a customer service and plant service depot for Union Gas, for property located on the east side of Pritchard Road in the area south of Highland Road, as shown on the attached map marked as Appendix "F", on the following basis:

- (i) That the "M-13" (Prestige Industrial) District regulations, as contained in Section 17E of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special provisions:

- (1.) That notwithstanding Section 17E(1)(c), the following Commercial use shall be permitted:

<u>Use Not Prohibited</u>	<u>S.I.C. Number</u>
---------------------------	----------------------

Other Services to Buildings and Dwellings	9959
--	------

- (2.) That notwithstanding Section 17E(1)(d), the following Industrial use shall be permitted:

<u>Use Not Prohibited</u>	<u>S.I.C. Number</u>
---------------------------	----------------------

Dry Heating and Gas Piping Work	4242
------------------------------------	------

- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79D for presentation to City Council;
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1187, and the subject lands on Zoning District Map E-79D be notated S-1187; and,
- (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant/owner has submitted an agreement, registered on the title of the property to the satisfaction of the City Solicitor, stating that the owner recognizes and agrees that Pritchard Road, south of Harlowe Road, will be closed, and that the owner will acquire from the City of Hamilton half of the closed road allowance, should he/she not have legal frontage on Harlowe Road, and that all expenses involved in relocating the access, etc., as a result of this road closure, etc., will be the responsibility of the applicant/owner of the lands to be rezoned.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-13" (Prestige Industrial) District regulations, for property located on the east side of Pritchard Road in the area south of Highland Road.

The effect of the By-law is to permit development of the subject lands for a customer service and plant service depot for Union Gas.

16. That approval be given to amended Zoning Application 90-19, David John Armstrong, owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit professional offices (excluding medical and dental), a dry cleaner outlet, barber shop/hairdresser, video store, shoe store, bank, clothing store, drug store, TV/appliance store, and photo studio, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as Appendix "G", on the following basis:
- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 88-205, applicable to the subject lands, be further modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 14A(1), only the following additional commercial uses shall be permitted:
 - (1.) a television and appliance store;
 - (2.) a bank;
 - (3.) a clothing store;
 - (4.) a shoe store;
 - (5.) professional offices (excluding medical and dental);
 - (6.) a collecting and distributing station for dry cleaning;
 - (7.) a barber shop/hairdresser;
 - (8.) a video store;
 - (9.) a drug store; and,
 - (10.) a photo studio.
 - (b) That a landscaped strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1084b, and the subject lands on Zoning District Maps E-27A and E-27B be notated S-1084b;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27A and E27B for presentation to City Council; and,
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East.

The effect of the By-law is to permit, in addition to the previously approved variety store, the following additional commercial uses:

- (a) a television and appliance store;
- (b) a bank;
- (c) a clothing store;
- (d) a shoe store;
- (e) professional offices (excluding medical and dental);
- (f) a dry cleaner outlet;
- (g) a video store;
- (h) a barber shop/hairdresser;
- (i) a drug store; and,
- (j) a photo studio.

The By-law also requires, as special provisions, that a landscaped strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

17.(a) That amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a townhouse or apartment development on property located at 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "H", be **DENIED** for the following reasons:

- (i) The proposal to permit apartments conflicts with the intent of Subsection D.2 Neighbourhood Plan Policies of the Official Plan. In this regard, the proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the lands for "Attached Housing".
- (ii) Under the requested "E-2" District, approval could result in an 8 storey, approximately 90 unit apartment building which would be incompatible and out of character with existing and proposed development in this area, which is primarily comprised of single-family dwellings and townhouse dwellings.
- (iii) Approval of this application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the area.

* (b) That approval be given to an amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a townhouse development on property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as Appendix "H", on the following basis:

- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (ii) That "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 10E(2)(a)3, Street Townhouse Dwellings shall be prohibited.
 - (2.) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;
 - (3.) That a minimum 1.2 m high to 2.0 m high visual barrier shall be provided and maintained within the required landscaped planting strips;
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1188, and that the subject lands on Zoning District Map E-27C be notated S-1188;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for property located at 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

The effect of the By-law is to permit a Townhouse or Maisonette development on the subject lands.

In addition, the By-law provides for the following variances as special requirements:

- (a) To prohibit Street Townhouse Dwellings;
- (b) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;
- (c) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained within the required landscaped planting strips.

- * 18. That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

"That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "I", on the following basis:

- (a) That the lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings".

- 19.(a) That the Regional Municipality of Hamilton-Wentworth be notified that the City of Hamilton is not opposed to the proposed Official Plan Amendment No. 23 to the City of Stoney Creek;
 - (b) That the City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above, and forward a copy of the Staff report to the Region.
 - (c) That Planning Staff be directed to undertake a review of the green link within the Mountain Industrial Area.
-
- 20.(a) That approval be given to proceed with the required publication of a proposed by-law to rename Alma Avenue to Eaglewood Drive.
 - (b) That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Alma Avenue to Eaglewood Drive.
-
21. That leave be granted to introduce the following Bills:
 - (a) Bill C-121 A By-law to expropriate lands that do not conform with By-laws passed under Section 34 of The Planning Act, S.O. 1983, Chapter I.
 - (b) Bill C-122 A By-law to amend Zoning By-law No. 6593 respecting Day Nurseries.
 - (c) Bill C-123 A By-law to designate land located at Municipal Nos. 172-176 Locke Street South as property of Historic and Architectural Value and Interest.
 - (d) Bill C-124 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 89-342 respecting land located at Municipal No. 57 Rymal Road West.
 - (e) Bill C-125 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 21 Rymal Road West.
 - (f) Bill C-126 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 89-339 respecting land located at Municipal No. 1515 Upper Ottawa Street.
 - (g) Bill C-127 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 991 Upper Paradise Road.

- (h) Bill C-128 A By-law to establish Site Plan Control respecting land located at Municipal No. 991 Upper Paradise Road.
- (i) Bill C-129 A By-law to designate land located at Municipal Nos. 108-112 James Street North as property of Historic and Architectural Value and Interest.
- * (j) Bill C-130 A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of Municipal Nos. 1422 and 1430 Upper Sherman Avenue.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 August 22nd

* *Section 21(j), deleted*

-2986-

STREET

ÉLÉANOR. AVENUE

RAEBURN RD.

ALMA AVE-

EAGLEWOOD DRIVE

CELLAR AVENUE

AA

R4

GAGLIANO
DRIVE

FEAGLEWOOD

SINENA AVENUE

AA

...-AVENUE

RYMAL ROAD PAS

MILES-----ROAD-----

B

AA

BT-10/S-942

TOTAL
NO OF
UNITS

Appendix "A" as referred to
in Section 11 of the FIFTEENTH
Report for 1990 of the
Planning & Development
Committee.

LEGEND

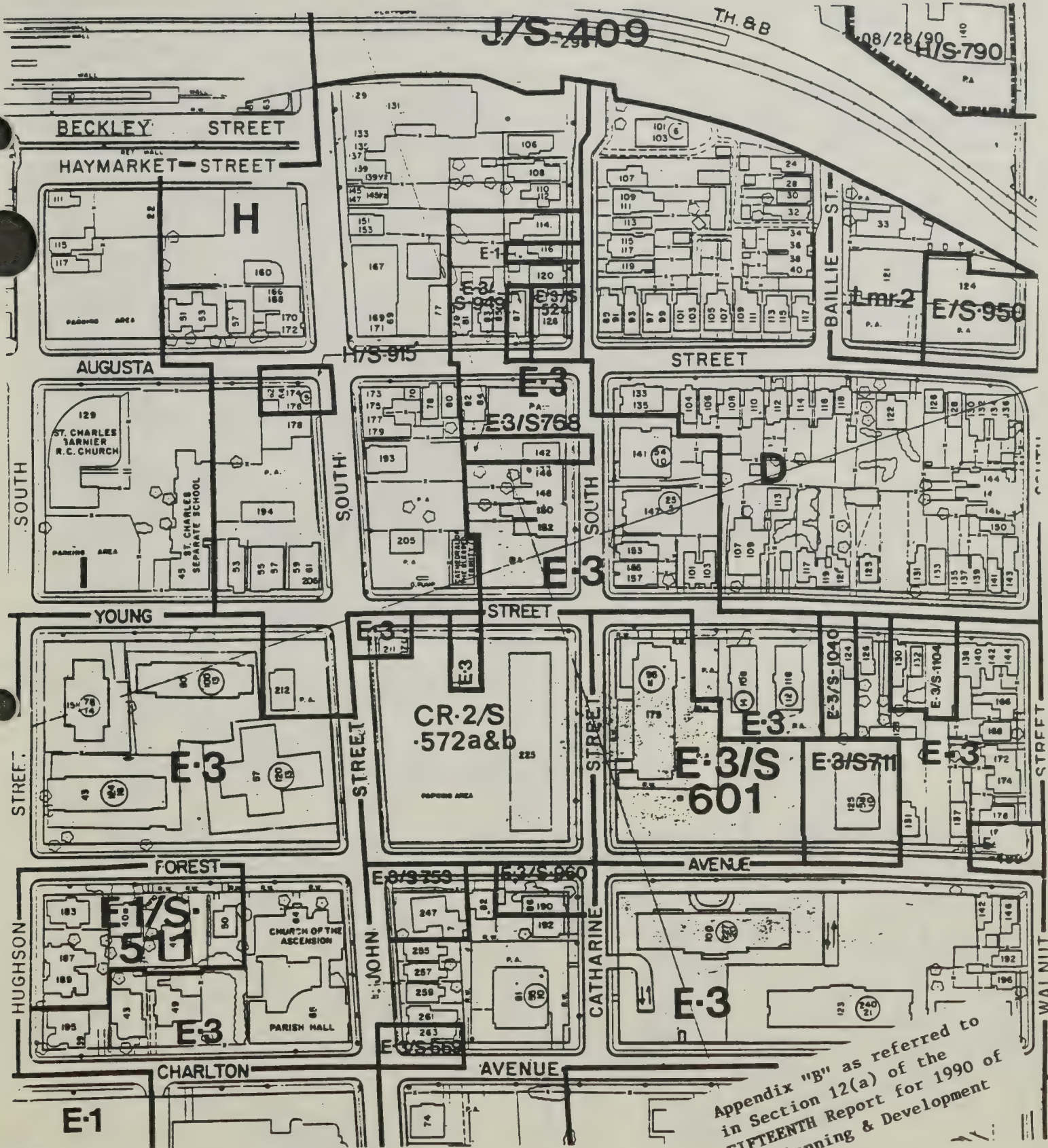


SITE OF THE APPLICATION

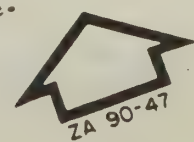


7A 90-24

APPENDIX A



Appendix "B" as referred to
in Section 12(a) of the
FIFTEENTH Report for 1990 of
the Planning & Development
Committee.



08/28/90

J/S-409

T.H. & B

H/S-790

BECKLEY STREET

HAYMARKET STREET

H

AUGUSTA

ST. CHARLES TARNIER R.C. CHURCH

PARKING AREA

ST. CHARLES SEPARATE SCHOOL

SOUTH STREET

SOUTH STREET

SOUTH STREET

YOUNG

STREET

E-3

CR-2/S-572a&b

PARKING AREA

E-3

STREET

E-3/S-601

E-3/S-711

E-3

FOREST

E-1/S-511

CHURCH OF THE ASCENSION

PARISH HALL

JOHN STREET

CATHARINE STREET

WALNUT STREET

AVENUE

AVENUE

CHARLTON

E-1

Appendix "C" as referred to in Section 12(b) of the FIFTEENTH Report for 1990 of the Planning & Development Committee.

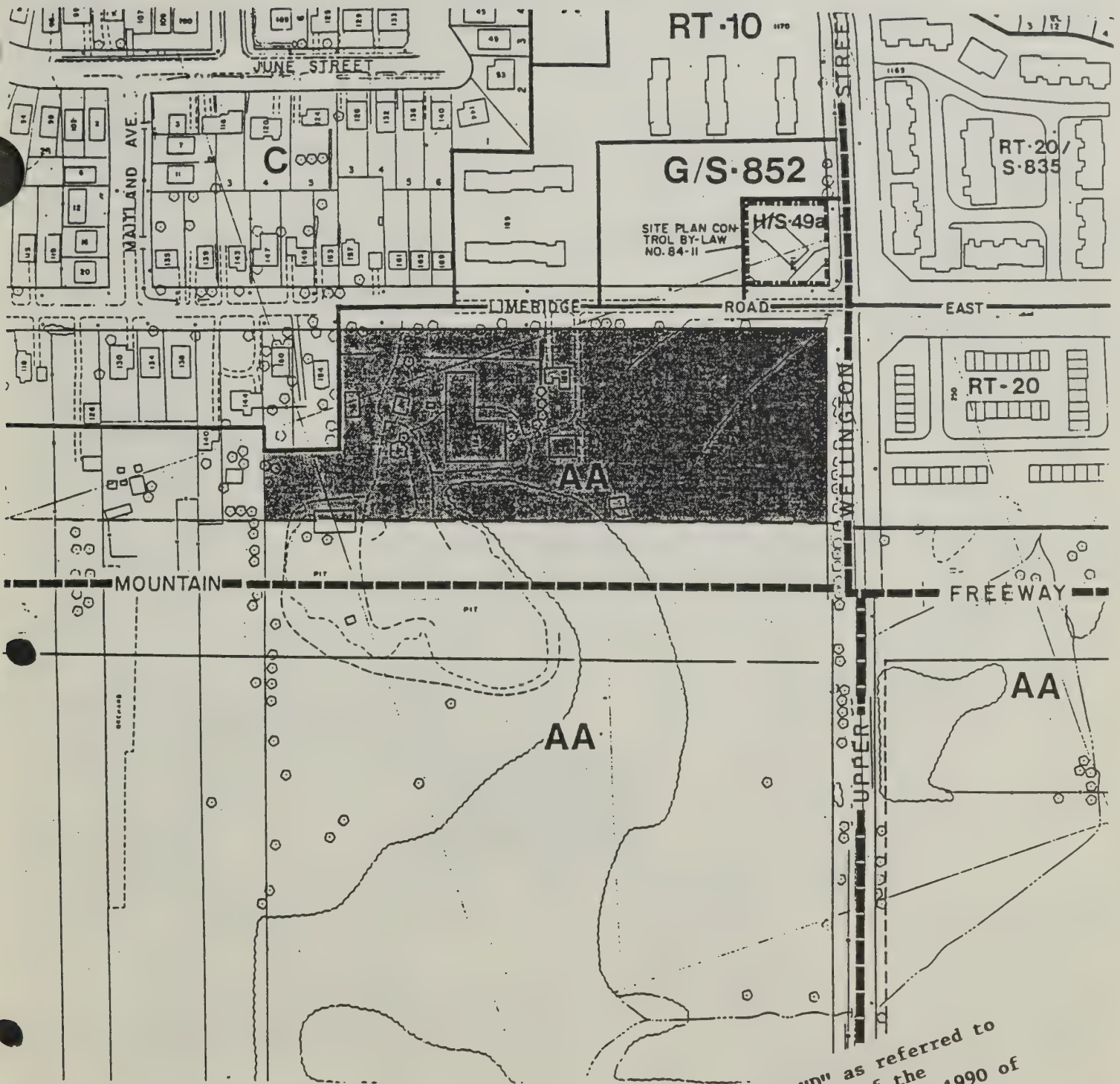
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Site of the Application



APPENDIX B



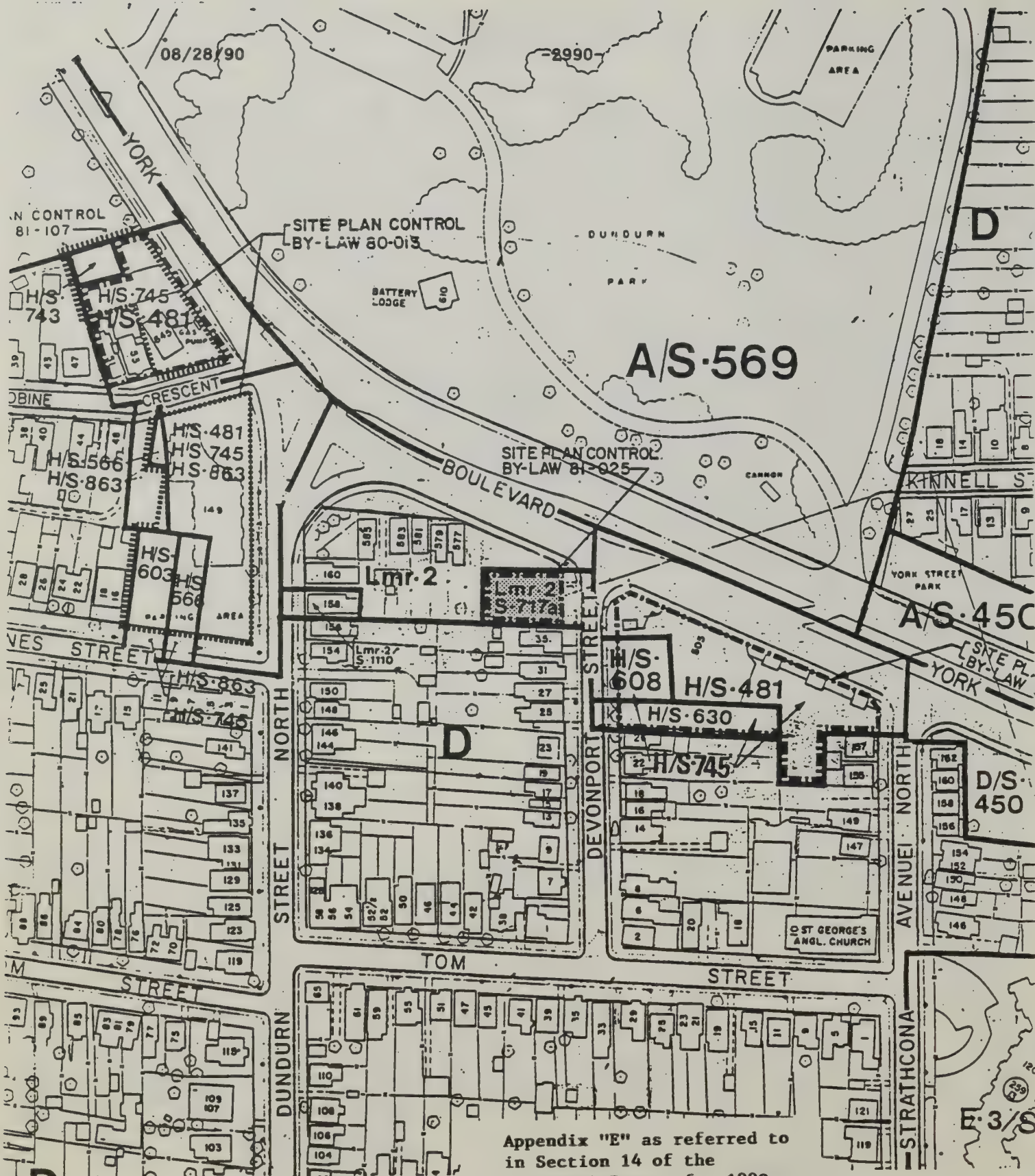
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Site of the Application

Appendix "p" as referred to
in Section 13 of the
FIFTEENTH Report for 1990 of
the Planning & Development
Committee.





Legend

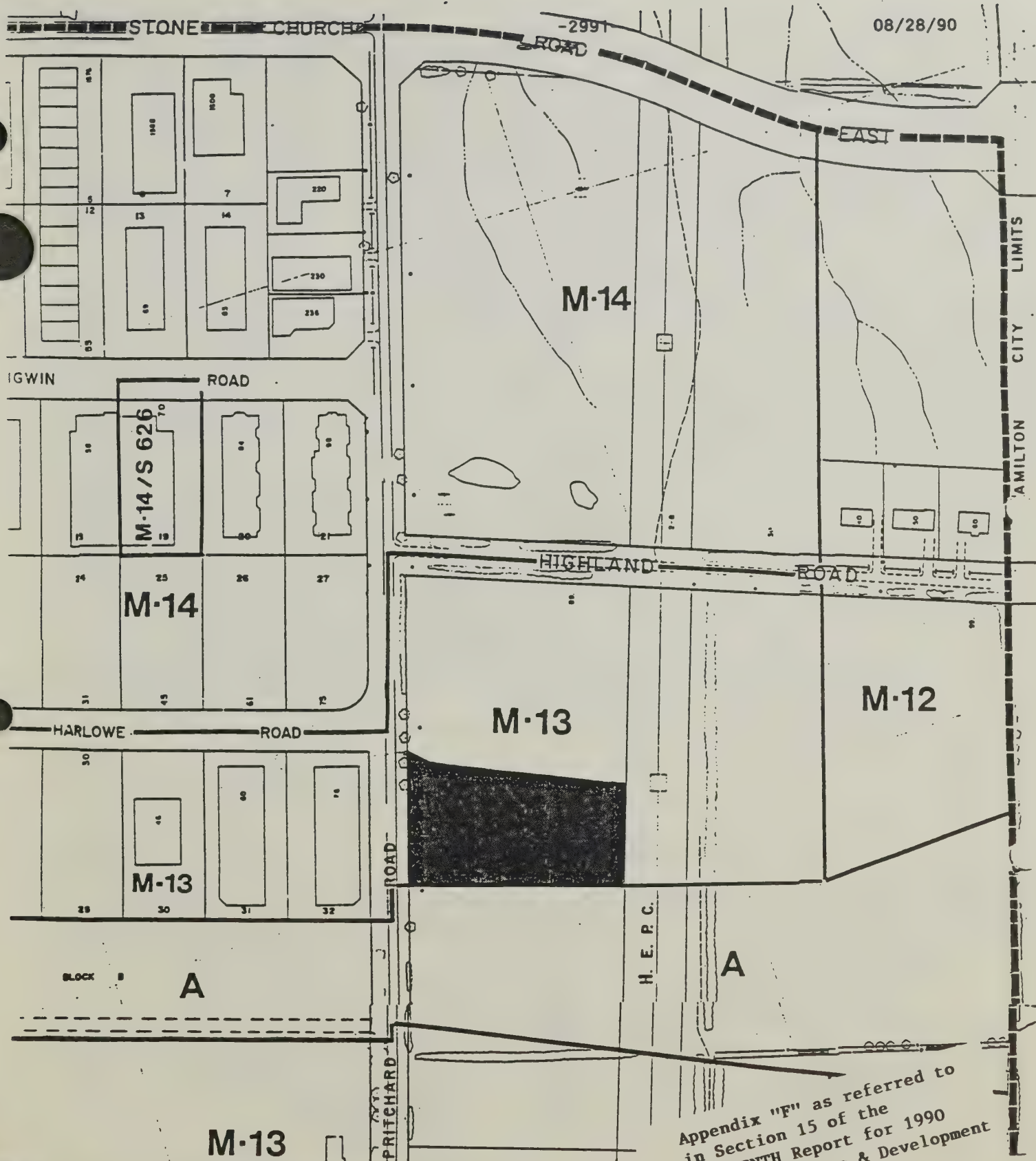


Site of the Application

Appendix "E" as referred to
in Section 14 of the
FIFTEENTH Report for 1990
of the Planning & Development
Committee.



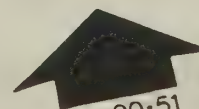
APPENDIX A



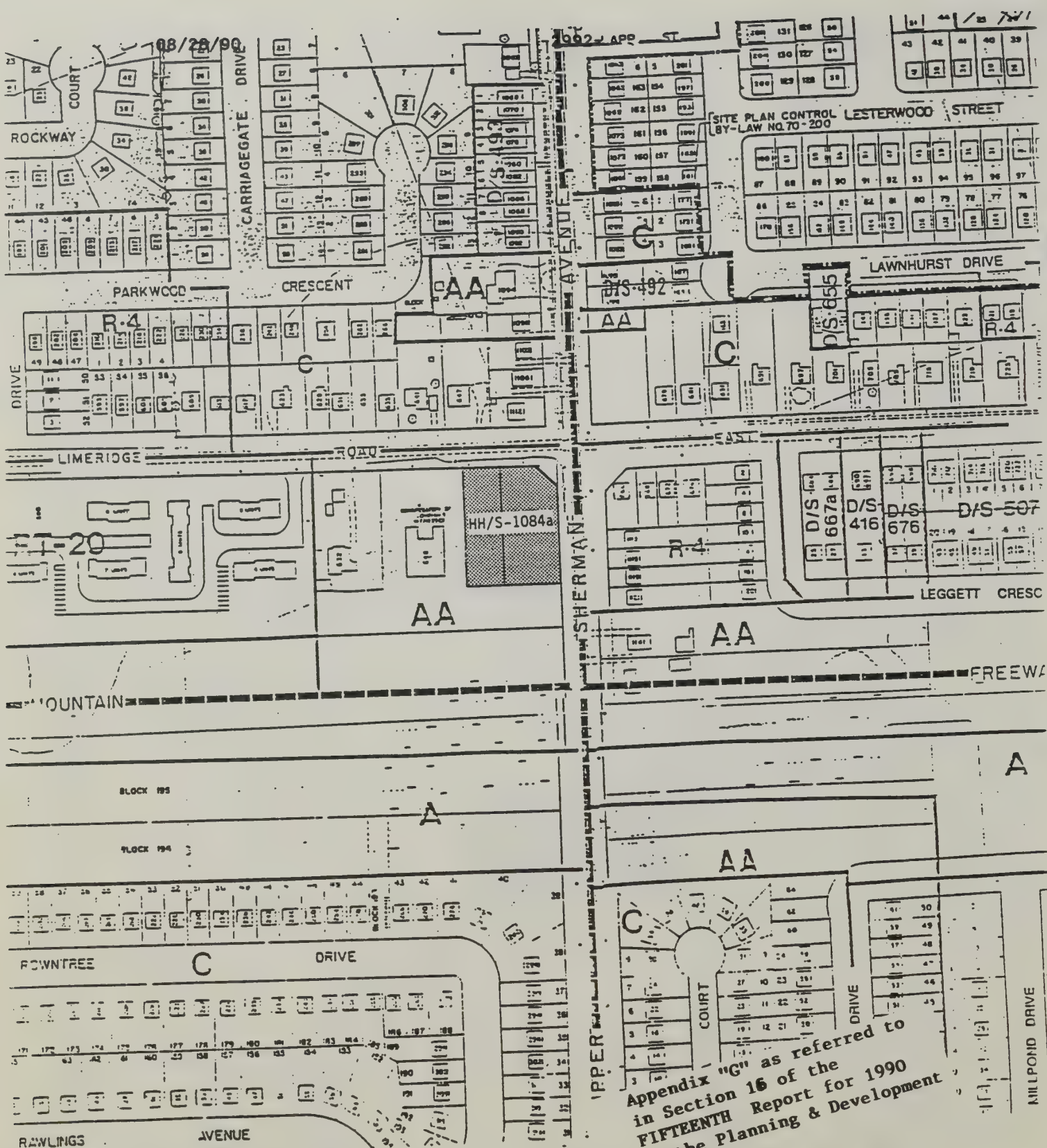
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Site of the Application



APPENDIX A

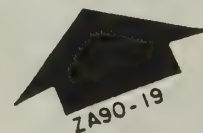


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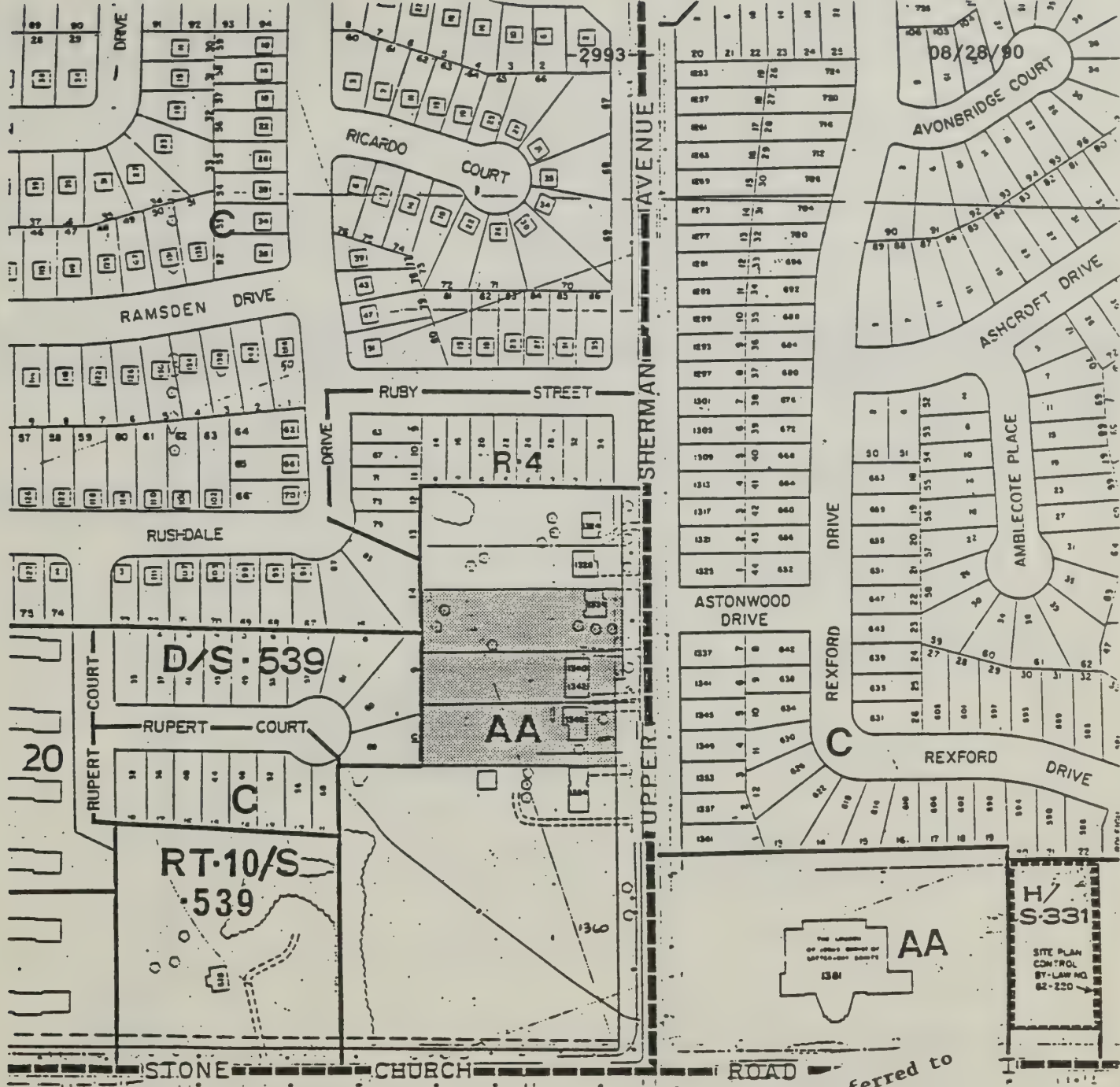
Site of the Application

Appendix "G" as referred to
in Section 16 of the
FIFTEENTH Report for 1990
of the Planning & Development
Committee.



ZA90-19

APPENDIX A 1



Appendix "H" as referred to
in Section 17 of the
FIFTEENTH Report for 1990
of the Planning & Development
Committee.

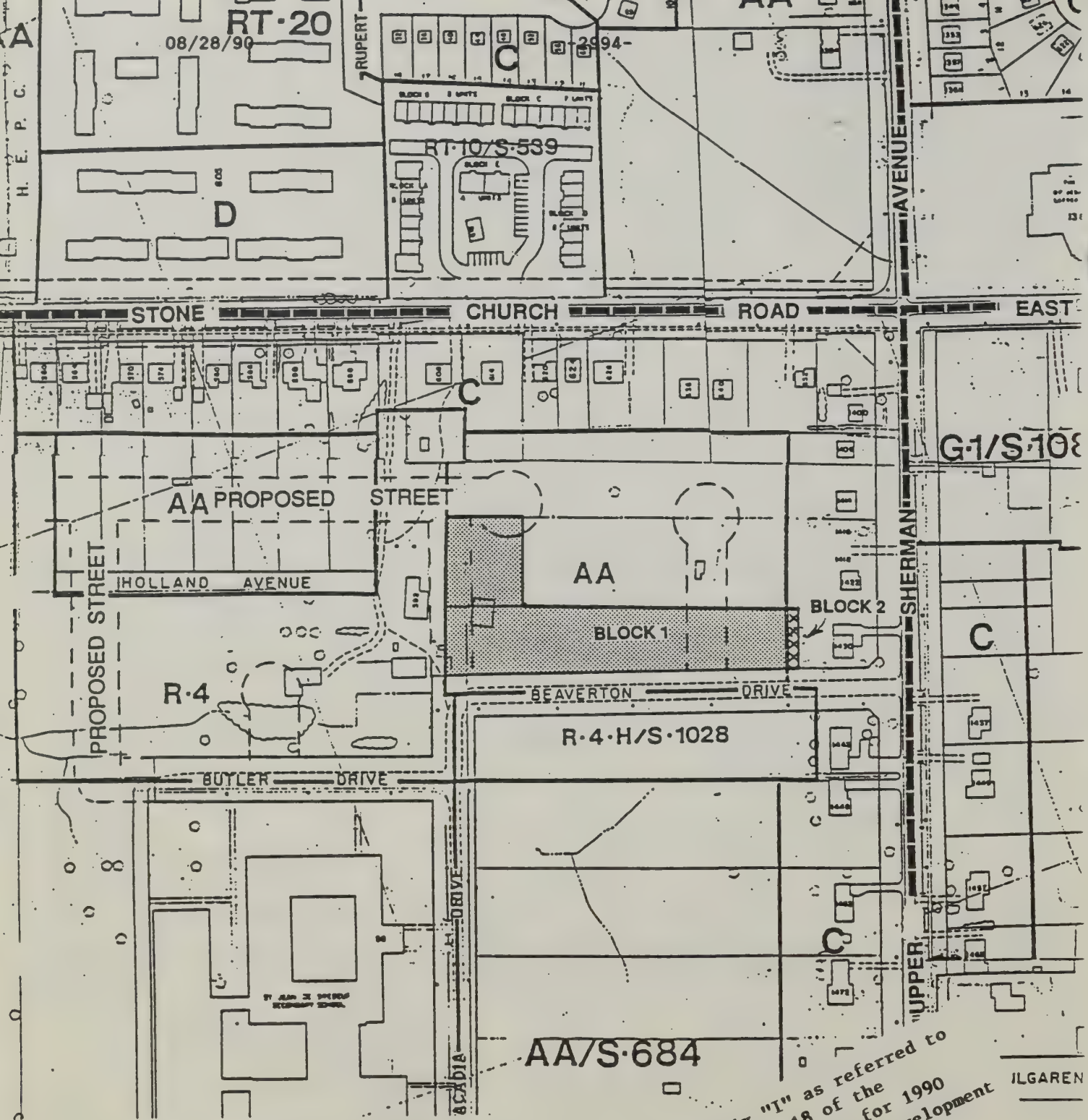


Legend



Site of the Application

APPENDIX A



Legend

Proposed change in zoning from:

BLOCK 1



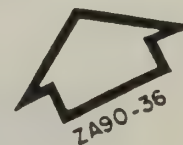
"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

BLOCK 2



"C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

Appendix "I" as referred to
in Section 18 of the
FIFTEENTH Report for 1990
of the Planning & Development
Committee.



ZA90-36

INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Information Systems Committee presents its **FIFTH** Report for 1990 and respectfully recommends:

1. That the 1990 maintenance invoice for \$14 338.20 from Index Technology be authorized for payment from Account No. CH 56005-26020 (Computer Software).
2.
 - (a) That 80386 series microcomputer workstations be acquired from Group Eight, Hamilton, Ontario in accordance with their proposal dated 1990 March 30th at \$3 698 each (lowest acceptable of 28 proposals).
 - (b) Funding to be provided from Account No. CH 56605-26032 (Computer Equipment).
 - (c) That decisions to lease or purchase be made, in each case, in consultation with the respective Corporation's Commissioner of Finance/Treasurer.

RESPECTFULLY SUBMITTED,

**Lynn Dale,
Secretary**

**ALDERMAN J. GALLAGHER, CHAIRMAN
INFORMATION SYSTEMS COMMITTEE**

1990 August 23

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FIRST** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Physio Control Canada, Scarborough, in the amount of \$89 667.27 for the supply and delivery of eleven (11) Defibrillators for the Hamilton Fire Department in accordance with Vendor's quotation.

As there is a six week delivery and these units are to be used in co-operation with Chedoke-McMaster Hospitals program commencing early September, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

NOTE: Only acceptable supplier. Funds provided in Operating Equipment Account No. CH58005 48001.

2. That civic gold rings be awarded to the following members of the Hamilton Girls' Swim Team for winning a Gold Medal at the International Children's Games held from 1990 June 26 - July 4 in Uzhgorod, Ukraine:

Chelsea Bailey
Jill Brohman
Jenny Feaver
Ariana Price
Dawn Gilhooly - Coach

3. That approval be given to the action taken by the Finance and Administration Committee in authorizing the Hamilton Tai Chi Association to use the City Hall forecourt on 1990 Sunday, August 26 from 1:00 to 3:00 p.m. for a Taoist Tai Chi demonstration and introductory 'try-it' class and a Tai-Chi-o-Thon with proceeds to benefit the Taoist Tai Chi Society Health Centre, including the use of City Hall equipment.

4. (a) That the Manager, Property Maintenance Division, be authorized and directed to erect a reviewing stand and all other pertinencies on the north east corner of Main and Bay Streets on the occasion of the annual Labour Day Parade.
 - (b) That the cost of providing this service in the approximate amount of \$650 be charged to Account No. CH55222 10034, Use of Facilities and Equipment by Outside Groups.
5. That permission be granted to Cable 14 TV Hamilton to use the Council Chambers on 1990 August 30 and August 31 from 5:00 p.m. until 10:00 p.m. each evening for a series of live television debates with the candidates in the upcoming Provincial election.
6. (a) That permission be granted to the Mundialization Committee to display Japanese Art, Photographs and Artifacts in the City Hall second floor foyer for the period 1990 October 21 to October 29 in conjunction with the visit of Mayor Makimoto and the twin city of Japan.
 - (b) That the Japanese flag be flown at City Hall during this period.
7. That permission be granted to the Sexual Assault Centre (Hamilton & Area) Take Back the Night Committee to use the City Hall forecourt from 7:00 p.m. to 8:00 p.m. and the City Clerk's foyer from 8:00 p.m. to 10:00 p.m. on Thursday, 1990 September 13 for a rally and coffee house in conjunction with the annual Take Back the Night March in Hamilton, including the use of City Hall equipment.
8. That the request of the Arthritis Society to fly the Arthritis Society Flag at City Hall during the month of 1990 September in recognition of Arthritis Month in Hamilton, be approved.
9. That the request of the Australian Counsel General for permission to exhibit a touring display of aboriginal art on the second floor of City Hall be approved.
10. That the Appointments To and Terminations from Permanent positions with the Corporation to August 15, 1990, attached hereto and marked Appendix "A", be approved.

11. That the contract settlement of The Hand Association of Sewer, Watermain and Road Contractors and the International Union of Operating Engineers, Local 793 be received pursuant to the Fair Wage Policy of the City of Hamilton.
12. That the Offer to Purchase the property at 18 Main Street East, the south-west corner of Main Street East and Hughson Street South, from DeSantis Group Inc. be amended as follows:
 - (a) that the closing date of the transaction be extended from sixty (60) days after a decision of the Ontario Municipal Board approving of minor variances or a zoning change required for approval of the site plan and subsequent development, but in any event not later than December 31, 1990 to a firm date of December 3, 1990.
 - (b) that the construction commencement date be on or before August 2, 1991 (eight (8) months after closing) and the construction completion date be on or before August 2, 1993.
 - (c) that the Mayor and City Clerk be authorized to enter into an agreement to amend the Agreement of Purchase and Sale incorporating these changes.
 - (d) time is to remain of the essence and all other terms and conditions are to remain the same.
13. (a) That the rent for 13 City owned residential properties, as shown in Appendix "B" attached hereto, be increased by approximately 19% effective December 1, 1990.
- (b) That the standard City of Hamilton residential tenancy agreements be revised by adding the following clauses:

"The Tenant acknowledges that the Landlord will be increasing the rent charged for the rent premises on an annual basis by the percentage set out in the Residential Complex Cost Index for the year as published by the Minister of Housing.

This acknowledgement does not bind the Landlord in any way from raising the rent charged to a percentage higher than the said published percentage if such an increase is permitted by law."

NOTE: The Finance and Administration Committee believe these increases to be fair and reasonable in view of the fact that the last increase was in 1987. It will also assist the City in absorbing some of the increases in taxes, operating and maintenance costs.

- * 14. That approval be given to inform the Board of Education that the Municipal Non-Profit (Hamilton) Housing Corporation is not interested in purchasing Princess Elizabeth School, 235 Bowman Street, Hamilton, for housing purposes.

- 15. (a) That the 1990 Quota in the Capital Budget for the "City's Share of Services in Subdivisions" be increased by \$1 million, from \$1.5 million to \$2.5 million, with the increase being funded from the "Reserve for City's Share of Services in Unsubdivided Lands", Centre No. 00107, and a corresponding reduction to the "capital contingency" allocation in the 1990 Capital Budget.

- (b) That the City's share of the cost of services in "Coventry Gardens" \$523 127, and "Abbey Hill Farm" \$48 278.28, for a total of \$571 405.28, as referred to in Section 15 of the Eleventh Report of the Transport and Environment Committee, be funded from the "Reserve for Services in Unsubdivided Lands", Centre No. 00107.

- ** 16. (a) That Section 19 of the Fifteenth Report of the Finance and Administration Committee adopted by City Council 1990 May 8 be amended as follows:
 - (i) Delete Sub-section (c) which reads "That the loan shall be secured by a second mortgage registered prior to the advance of the City's loan to Theatre Terra Nova provided that", and substitute in lieu thereof the following: "That the loan shall be secured by a first mortgage registered prior to the advance of the City's loan to Theatre Terra Nova provided that:"
 - (ii) Delete Sub-section (c)(i) which reads "the first and second mortgage do not exceed the appraised value of the property;"
 - (iii) Delete the words "second mortgage" in Sub-section (c)(ii) and substitute the following words in lieu thereof "first mortgage".
 - (iv) That prior to the City advancing funds on the \$225 000 first mortgage, Theatre Terra Nova will reimburse the City the amount of \$2 400 which represents the costs of the City obtaining an independent appraisal report.
 - (v) That the City Solicitor and City Treasurer be authorized to amend the mortgage and all other agreements necessary to reflect the above recommendations.

* Section 14, referred back to the *Municipal Non-Profit (Hamilton) Housing Corporation with instructions to review in light of the need for Non-Profit Housing*, recorded vote, see page 2939

** Recorded vote, see page 2940

- (b) That, in accordance with Section 19 of the Fifteenth Report of the Finance and Administration Committee adopted by City Council 1990 May 8 as amended, which provided for an interest free loan of \$225 000 to Theatre Terra Nova, and which in part (b) provided that "the City Treasurer be authorized and directed to negotiate a repayment schedule for Council approval including the term of the loan, the amount and frequency of payments and the interest upon arrears of payments, if any", and in part (c) provided that the loan "shall be secured by a first mortgage registered prior to the advance of the City's loan", the following terms apply:
- (i) The term of the loan of \$225 000 is to be fifteen years, secured by a first mortgage on the property being purchased by Theatre Terra Nova at an interest rate which varies annually and each year will be the Prime Bank Rate of the City's Bank on September 1 of that year, calculated semi-annually not in advance. In the event that Theatre Terra Nova sells, agrees to sell or otherwise disposes of any part of the property, the mortgage shall become immediately due and payable;
 - (ii) Repayment on the loan will be by monthly instalments of \$1 339 payable on the first day of each month and the first instalment will commence on the first day of the month following one year from the date of the advancement of loan funds by the City;
 - (iii) The City may in its own discretion from time to time forgive all interest owing to date on the loan/mortgage.
17. That the Literacy Training Program sponsored by the Workers' Education Centre be available to any eligible employees of the Corporation of the City of Hamilton on the basis of one hour contributed by the employee and one hour by the employer.

NOTE: The Worker Education Centre will be supplying and paying for the instructor from a grant received from the Ontario Ministry of Education. The City will provide a classroom at a suitable location. The Public Works Department estimates that the expenditures will be approximately \$10 000 per year either in the cost of replacement employees or in loss of productivity during the absence of the employee. Training costs in other Departments will be minimal due to low estimates of demand for this training course.

18. (a) That, at the request of Mayor Sammie Maletta of Portage, who is Chairman of the International Great Lakes St. Lawrence Mayors' Conference Host Committee, the City of Hamilton participate in co-hosting the 1991 Conference in conjunction with the Mayors of Mississauga, Burlington and Oakville, and that each of the four Canadian cities provide \$1 000 toward the cost of a reception in Merrillville, Indiana, and that Mr. Dennis Carson, Executive Assistant to the Mayor, be designated as the City of Hamilton's representative to participate in planning for the Conference.
- (b) That this expenditure be financed from the Unclassified Account.
19. (a) That Part 12 of By-law 89-249 which amends and consolidates Schedules 4 and 4a to Licensing By-law 79-323 Respecting Taxicabs and Livery Vehicles be amended to reflect the following changes respecting rates and fares to be charged:
- For one or more passengers,
- (i) for the first 1/10 of a kilometre or part thereof.....\$ 2.00
(presently 1/9 of a kilometre)
- (ii) for each additional 1/10 of a kilometre or part thereof.....\$.10
(presently 1/9 of a kilometre)
- (b) That the change in rates or fares be effective as of 1990 September 1.
- (c) That the Taxi Advisory Committee develop and establish a formula for annual taxi fare adjustments.
- (d) That the City Solicitor be authorized and directed to prepare the appropriate amending by-law for presentation to City Council.
20. That a joint City/Region Municipal Employee's Daycare Task Force be established to recommend an appropriate daycare model.

NOTE: Membership in the Task Force will be drawn from civic employees. The minimal administrative costs associated with this Task Force will be absorbed by Human Resources Centre. Members' home departments may be asked to contribute any incidental parking costs, etc. incurred by a Task Force member.

21. That no action be taken on the following resolution from the City of St. Catharines dated 1990 May 14 with respect to the height of buildings as defined in The Ontario Building Code:
- "That the Buildings Branch of the Ministry of Housing be requested to amend the Building Code so as to prevent artificial grading adjacent to a building being used to reduce the number of storeys of a building and in turn reduce life safety requirements of the Building Code;
- "and that the Ontario Building Officials Association and all municipalities over 50,000 be requested to endorse this resolution;
- "and further, that Janet Faas, Acting Director, Buildings Branch, Ministry of Housing, 2nd Floor, 777 Bay Street, Toronto, Ontario, M6G 2E5, be so advised. FORTHWITH"
22. That the City of Hamilton purchase a table with seating for ten at a cost of \$1 000 for the Gallery of Distinction Dinner to be held at the Convention Centre on 1990 November 7, and that this expenditure be financed from the Unclassified Account.
23. That, in accordance with the Policy to Govern and Regulate the Installation of Commemorative Plaques, Memorials, Monuments, Time Capsules and Trees Upon City Hall Grounds adopted by City Council 1988 September 27, approval be given to the erection of a bronze life-size statue commemorating the settlement of Ukrainians in Canada upon the grounds of City Hall at a location west of the existing building near Bay and Main Streets, the installation and specific location of which shall be subject to the consideration and recommendation of the Finance and Administration Committee and approval of City Council.
24. For the information of the Members of City Council, the Finance and Administration Committee wishes to advise that it has increased the composition of the Hamilton Status of Women Sub-Committee by one citizen member from fourteen (14) to fifteen (15), and at its meeting held 1990 August 23 interviewed the applicants and appointed the following two (2) women to fill the present vacancy as well as the newly created position:

Marlene Thomas
Evelyn Myrie

25. For the information of the Members of City Council, the Finance and Administration Committee at its meeting held 1990 August 23 interviewed the applicants for the appointment of one (1) taxi driver/leasee to the Taxi Advisory Committee and approved the following citizen appointment:

Peter Eldridge

26. That the City contribute \$5 000 toward settlement of the plaintiffs' action (Staats) with the co-defendants Philips and Springs contributing a further \$5 000.
27. (a) That the City of Hamilton offer to settle Supreme Court of Ontario Action No. 6102/88 by the payment of \$17 000, inclusive of prejudgment interest, legal costs and disbursements, to the Plaintiffs, Dorothy and Leo Mullally.
- (b) That the Plaintiffs, Dorothy and Leo Mullally, be required to provide a full and final Release to the City of Hamilton in a form satisfactory to the City Solicitor and that Supreme Court of Action No. 6102/88 be dismissed as against the City of Hamilton.
28. That leave be granted to introduce the following Bills:
- (a) Bill H-102 A By-law to Amend By-law No. 89-249 as Amended by By-law No. 89-315 Respecting Rates or Fares to be Charged.
- (b) Bill H-103 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.
- *29. That permission be granted to McMaster Students Union Inc. to use the City Hall forecourt and equipment on Tuesday, 1990 September 4 from 12:30 to 1:30 p.m. for a news conference to promote McMaster's SHINERAMA fundraiser for Cystic Fibrosis.
- **30. That permission be granted to the Ministry of Municipal Affairs' Review Committee to use the Council Chambers on Wednesday, 1990 September 26 from 7:00 p.m. to 10:00 p.m., for the purpose of holding a public meeting respecting the "Municipal Conflict of Interest Act".

* Section 29 added during City Council

** Section 30 added during City Council

- *31. That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval of the additional project funding by the City in the amount of \$106 675.10 being the City's share of the total cost overrun of \$732 000 over the original \$4 500 000 estimate for the Windermere Basin Rehabilitation Project, and that the \$106 675.10 be financed from the Reserve for Capital Projects following approval of the Ontario Municipal Board.
- **32. That the Ontario Municipal Board be authorized to use the City Council Chambers for a six week period beginning in February 1991 for the purpose of holding a public hearing on the Lax property.
- ***33. That the Finance and Administration Committee be requested to investigate the use of City Hall facilities by the Ontario Municipal Board to include the possible collection of rental fees for use of City Hall facilities.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1990 August 23

- * *Section 31 added during City Council*
** *Section 32 added during City Council*
*** *Section 33 added during City Council*

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Paul Baker	Traffic Serviceman/ Woman II (A-3)	Traffic	Replacing S. Clark - promoted	\$22,945.00 to \$26,065.52	\$22,945.00 per annum (1 of 4)	09/07/90
Mr. Kevin Berry	Handyman/Woman (M-10)	Central Utilities Plant Division of HECFI	Replacing Mr. D. Walker - promoted	\$30,611.36	\$30,611.36 per annum	30/07/90
Mr. Elton Cooke	Operator I Truck Driver (D-11)	Public Works	New Position approved 1990 Budget	\$29,459.04 to \$29,875.04	\$29,875.04 per annum (2 of 2)	16/07/90
Ms. Wendy Crevier	Traffic Technologist (A-14)	Traffic	Replacing Mr. M. White -promoted	\$35,241.96 to \$41,966.08	\$39,900.64 per annum (4 of 5)	13/08/90
Ms. Maryann Cuthbert	Stenographer II (E-4)	Public Works	New Position approved 1990 Budget	\$23,120.24 to \$24,780.08	\$23,120.24 per annum (1 of 3)	13/08/90
Mr. Ralph Denardis	Programmer I (A-17)	Information Systems	Replacing G. Mazzetti -promoted	\$41,188.68 to \$49,208.12	\$46,752.68 per annum (4 of 5)	23/07/90
Ms. Catherine Franceschini	Junior Cost Control Clerk (A-3)	Culture & Recreation	Replacing Ms. L. Robichaud - promoted	\$22,945.00 to \$26,065.52	\$22,945.00 per annum (1 of 4)	30/07/90

Prepared 15/08/90

Appendix "A" as referred to in
-3000 Section 10 of the TWENTY-FIRST
Report of the Finance and
Administration Committee for 1990.

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Kelly Goodwin	Lifeguard I (CH5)	Culture & Recreation	Replacing Ms. G. Hamilton -promoted	\$21,648.64 to \$23,411.44	\$21,648.64 per annum (1 of 3)	13/08/90
Mr. Robert Hayes	Property Rental Agent (A-12)	Real Estate Division of Property Dept.	Replacing Mr. J. Skelton -retired	\$34,223.80 to \$40,150.24	\$35,778.08 per annum (2 of 5)	13/08/90
Mr. Terry Lane	Captain (C-8)	Fire	Replacing Mr. A. Maxwell -retired	\$55,339.83	\$55,339.83 per annum (1 of 1)	12/08/90
Mr. Kevin Larson	Operator II Tractor Operator (Pks.Mtc) (D-8)	Public Works	Replacing Mr. M. Karns - promoted	\$28,941.12 to \$29,357.12	\$29,357.12 per annum (2 of 2)	09/07/90
Mr. Michael McNamara	Supervisor of Landscape Development (M-3)	Public Works	Additional Staff approved 1990 Budget	\$36,486.84 to \$42,932.24	\$36,486.84 per annum (1 of 5)	23/07/90
Mr. Larry Nettleton	Education Officer (0)	Culture & Recreation	Replacing Mr. B. Craig - resigned	\$30,528.60 to \$35,877.92	\$30,528.60 per annum (1 of 5)	23/07/90
Mr. Kevin Nutley	Senior Property Officer (D-7)	Real Estate Division of Property Dept.	Replacing Ms. Taravski - resigned	\$38,405.64 to \$43,946.76	\$38,405.64 per annum (1 of 6)	01/08/90
Mr. Randy Oliver	Utilities Maintenance Operator (M-15)	Central Utilities Plant Division of HECFI	Replacing Mr. J. Gorman -resigned	\$32,612.32	\$32,612.32 per annum	16/07/90

Prepared 15/08/90

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITION

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Shelly Parry	Stenographer (E-5)	Treasury	Replacing Ms. J. Collins - promoted	\$23,676.64 to \$26,620.36	\$23,676.64 per annum (1 of 4)	23/07/90
Mr. Dennis Phillips	Captain (C-8)	Fire	Replacing Mr. E. Blundell - retired	\$55,339.83	\$55,339.83 per annum	12/08/90
Mr. Steve Popovich	Motor Mechanic Helper (D-9)	Fleet Services	Replacing Mr. B. Keenan - promoted	\$28,941.12 to \$29,357.12	\$28,941.12 per annum (1 of 2)	13/08/90
Ms. Lise Roblchaud	Accounts Control Clerk (A-5)	Treasury	New position Approved 1990 Budget	\$25,519.52 to \$29,974.36	\$27,355.12 per annum (3 of 5)	02/07/90
Ms. Christine Shepherd	Stenographer III (E-3)	Treasury	Replacing Ms. N. Greenwood - promoted	\$21,062.60 to \$22,755.20	\$21,062.60 per annum (1 of 3)	30/07/90

Prepared 15/08/90

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Diane Burns	Aquatic Supervisor	Culture & Recreation	Resigned	8 years, 10 months	22/07/90
Mr. Earl Campbell	Yard Attendant	Public Works	Retired	23 years, 4 months	31/08/90
Mr. Steven Doan	Traffic Serviceman/ Woman I	Traffic	Resigned	3 years, 6 months	20/07/90
Ms. Joyce Faria	Stenographer IV	Building	Retired	14 years, 2 months	08/08/90
Ms. Thelma Restivo	Invoice Checking Clerk	Treasury	Retired	24 years, 5 months	03/08/90
Ms. Linda Ross	Key Punch Operator I	Information Systems	Resigned	4 years, 1 month	17/07/90
Ms. Irene Taravski	Senior Property Officer	Property	Resigned	18 years, 2 months	31/07/90

Prepared 15/08/90

**THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Terry Verge	Sewer Mtncs. Labourer (D-6)	Public Works	Replacing D. Maculuso -retired	\$28,448.16 to \$28,864.16	\$28,864.16 per annum (2 of 2)	16/07/90
Mr. Martin White	School Crossing Co-ordinator (M)	Traffic	New position Council approved 1990	\$36,486.84 to \$42,932.24	\$42,932.24 per annum (5 of 5)	09/07/90

-3009-

08/28/90

Prepared 15/08/90

CITY OF HAMILTON - PROPERTY RENTAL LIST

19 June 1990 08/28/90

Address	Tenant	1990 Taxes	Current Rent	Proposed Rent
563 Aberdeen Ave.	Mr. & Mrs. Turpin	1,773.97	200.00	235.00
499 Charlton Ave. E.	Mrs. Faulkner	1,136.01	365.00	435.00
107 Graham Ave. N.	Mrs. Wanda Coe	1,362.55	550.00	575.00
113 Graham Ave. N.	Mr. & Mrs. R. Crepeault	1,334.46	340.00	400.00
48 Holly St.	Mrs. Erika Hadfield	1,284.21	335.00	400.00
50 Holly St.	Mrs. L. MacDonald	1,075.45	315.00	375.00
2656 King St. E.	Mr. & Mrs. R. Davis	2,207.46	415.00	495.00
2787 King St. E.	Mr. & Mrs. Toombs (Lwr) Mr. & Mrs. R. Moore (Upr)	2,232.76	230.00 450.00	255.00 500.00
130 Lawrence Rd.	Mr. & Mrs. Duckworth	1,371.76	200.00	235.00

-3010

Appendix "B" as referred to in
Section 13 of the TWENTY-FIRST
Report of the Finance and
Administration Committee for 1990.

1150 Leaside Rd.	Mr. & Mrs. B. Tait	1,810.46	310.00	370.00
306 Rymal Rd. E.	Mr. & Mrs. T. Coffey	2,291.13	210.00	250.00
662 Rymal Rd. E.	Mr. & Mrs. B. Kyle	2,331.26	450.00	535.00
1086 West 5th St.	Mr. & Mrs. W. Lingelbach	1,382.38	210.00	250.00

**JOINT REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE
AND THE TRANSPORT AND ENVIRONMENT COMMITTEE**

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee and the Transport and Environment Committee presents its **FIRST** Joint Report for 1990 and respectfully recommends:

- * 1. That the City approve the additional financial contribution in the amount of \$106,675.10 (each) subject to the following:
- (a) That the Hamilton Harbour Commissioners administer the funds pursuant to the Windermere Basin Trust Agreement dated the 26th day of May 1988;
 - (b) That the Hamilton Harbour Commissioners and the Region/City agree on a process for land use determination of Windermere Basin and the Harbour.
 - (c) That the Hamilton Harbour Commissioners transfer to the Region/City a minimum of 5% of land in the Windermere Basin for parkland dedication (or equivalent satisfactory to the Region/City recognizing development and maintenance and further landscaping plans set out in the Windermere Basin Reclamation Project plans), for parkland or gateway/aesthetic purposes **PROVIDED** that the interest determined is concurred with by the other funding partners, thereby supporting the intent of the original Funding Agreement.
 - (d) That the Hamilton Harbour Commissioners agree to report regularly to the Region/City Councils on the clean-up project of Windermere Basin.

Respectfully submitted,

**ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Susan K. Reeder, Secretary
Planning and Development Committee**

**Tina Agnello, Secretary
Transport and Environment Committee
1990 August 22nd**

* See Section 31 of the 21st Report of the Finance and Administration Committee for financing, see page 3005
Recorded vote, see page 2944

REPORT OF THE NOMINATING COMMITTEE

To the Council of The Corporation of the City of Hamilton.

Members of Council:

The Nominating Committee presents its **FOURTH** Report for the year 1990 and respectfully recommends:

1. The appointment of Alderman Tom Murray to the Municipal Non-Profit (Hamilton) Housing Corporation. Term of office expires November 30, 1991.

This appointment fills the unexpired term of Alderman D. Christopherson who resigned from the Corporation.

2. The appointment of Alderman F. Lombardo as Chairman of the Planning and Development Committee. Term of office expires November 30, 1991.

This appointment fills the unexpired term of Alderman John Smith who has resigned as a member of Council.

3. The appointment of Alderman D. Drury as Vice-Chairman of the Planning and Development Committee. Term of office expires November 30, 1991.

This appointment fills the unexpired term of Alderman F. Lombardo who was appointed Chairman.

Respectfully submitted,

Robert M. Morrow,
Chairman.

August 28, 1990.

URBAN/MUNICIPAL

CA4 ON HBL A05
M2k 1990

Special meeting of City Council
Monday, September 10, 1990
5:00 o'clock p.m.
Council Chamber

URBAN MUNI...

The Council met in special session

GOVERNMENT DOCUMENTS

There were present: Robert M. Morrow, Mayor
Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley,
D. Drury, G. Copps, D. Christopherson, D. Agostino,
F. Lombardo, T. Jackson, H. Merling, J. Gallagher, D. Ross,
T. Murray

Absent: Alderman J. Smith

PURPOSE: To Consider Resolutions and By-laws Respecting the Holding of By-Elections in Wards 4 and 6.

It was moved by Alderman Hinkley and seconded by Alderman Drury

- RESOLVED:** (a) That the City Clerk be authorized and directed to conduct By-elections to fill the Aldermanic vacancies in Ward 4 and Ward 6.
- (b) That a budget allocation of one hundred thousand (\$100 000) be approved within the City Clerk's Department budget to finance all costs to be incurred for the Ward 4 and Ward 6 By-elections to take place on Monday, 1990 November 12.
- (c) That the one hundred thousand dollar (\$100 000) total cost of the Ward 4 and Ward 6 By-elections be financed from the reserve for election expenses.
- (d) That the City Solicitor be authorized and directed to prepare the appropriate By-laws providing for By-elections in Ward 4 and Ward 6.
- (e) That leave be granted to introduce the following Bills:
- i. H-104 By-law for an Election to fill a Vacancy in Ward 4.
 - ii. H-105 By-law for an Election to fill a Vacancy in Ward 6.
 - iii. H-106 To Confirm proceedings of the Council of the Corporation of the City of Hamilton at its meeting held on Monday, 1990 September 10.

RECORDED VOTE:

YEAS: Mayor Morrow, Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley, D. Drury, G. Copps, D. Christopherson, D. Agostino, F. Lombardo, T. Jackson, H. Merling, J. Gallagher, D. Ross, T. Murray - 16.

NAYS: 0. **CARRIED**

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills be now read a first time:

H-104, H-105, H-106

YEAS: Mayor Morrow, Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley, D. Drury, G. Copps, D. Christopherson, D. Agostino, F. Lombardo, T. Jackson, H. Merling, J. Gallagher, D. Ross, T. Murray - 16.

NAYS: 0. **CARRIED**

It was moved by Alderman Cooke and seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole, (second reading) to consider the following Bills, with Mayor Morrow in the chair.

H-104, H-105, H-106

YEAS: Mayor Morrow, Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley, D. Drury, G. Copps, D. Christopherson, D. Agostino, F. Lombardo, T. Jackson, H. Merling, J. Gallagher, D. Ross, T. Murray - 16.

NAYS: 0. **CARRIED**

Consideration of the Bills (second reading).

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole (second reading) on the bills, be adopted. -

YEAS: Mayor Morrow, Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley, D. Drury, G. Copps, D. Christopherson, D. Agostino, F. Lombardo, T. Jackson, H. Merling, J. Gallagher, D. Ross, T. Murray - 16.

NAYS: 0. **CARRIED**

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills be now read a third time:

H-104, H-105, H-106

YEAS: Mayor Morrow, Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley, D. Drury, G. Copps, D. Christopherson, D. Agostino, F. Lombardo, T. Jackson, H. Merling, J. Gallagher, D. Ross, T. Murray - 16.

NAYS: 0. **CARRIED**

City Council adjourned at 5:35 o'clock p.m.

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TING OF HAMILTON CITY COUNCIL
TUESDAY, SEPTEMBER 25, 1990
7.30 O'CLOCK, P.M.

URBAN MUNI

GOVERNMENT DOCUMENTS

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Agostino,
Lombardo, Jackson, Merling, Gallagher, Ross, Murray.

ABSENT: Alderman Copps. (Vacation)

His Worship Mayor Robert M. Morrow called the meeting to order.

Reverend Lloyd Brown, St. Giles United Church, led the Council in prayer.

The following presentations were made:

- | | |
|--------------------------------|----------------------------------|
| (a) Theatre Aquarius | - Peter Mandia/Ruth Slater |
| (b) 35 Year Service Awards | - George Archibald |
| | - George Korz |
| (c) Certificate of Recognition | - Angelo DiIanni - Library Board |

His Worship Mayor Robert M. Morrow read the following Proclamations:

- (a) Building Regulations Awareness Week - September 23-29, 1990
- (b) Hamilton and District Extend-A-Family Week - September 16-22, 1990
- (c) Mend A Broken Heart Week - September 24-28, 1990.

The Minutes of the meeting of August 28, 1990, and the special meeting of September 10, 1990, were taken as read and approved.

* * * * *

The following communications were received:

1. Letter dated September 5, 1990, from Mr. Bernard S. Walters, Second Vice-President, Hamilton Branch, Alliance for the Preservation of English in Canada, re establishment of an English Sub-Committee.

**Referred to the Finance and
Administration Committee.**

2. Letter dated August 23, 1990, from Pat Crimmins, Community Coordinator/Deputy Clerk, The Regional Municipality of Halton, re Gypsum Waste Recycling.

**Referred to the Transport and
Environment Committee.**

3. Letter dated August 23, 1990, from Mr. L. J. Mikulich, City Clerk/Director of Administration, The Corporation of the City of Brampton, re Residential Development Freeze.

**Referred to the Planning and
Development Committee for
Consideration and Recommendation.**

4. Letter from Mr. Stuart J. Roxborough, PARCIL Manager, re Phase 1 of the PARCIL Project.

**Referred to the Finance and
Administration Committee.**

5. Application dated August 22, 1990, from Mr. and Mrs. Mike Trikas, 952-4 Concession Street, Hamilton, Ontario, for a change in zoning, property located at 952-954 Concession Street.

Received.

6. Application dated August 27, 1990, from 740898 Ontario Inc. (Leroy McCarthy and Elaine McCarthy), 41-45 Cathcart Street, Hamilton, Ontario, for a further modification to the zoning, property located at 41-45 Cathcart Street.

Received.

7. Application dated August 28, 1990, from Edgar and Marion Ramsay, 11 Arno Street, Hamilton, Ontario, for a modification to the zoning, property located at 423 East 38th Street.

Received.

8. Application dated September 5, 1990, from Future Homes Construction Limited, P.O. Box 7147, Ancaster, Ontario, for a change in zoning, property located at 22 Kennedy Avenue.

Received.

9. Letter dated September 21, 1990, from Mr. K. E. Avery, City Clerk, advising of objection received to By-law Number 90-181 (Upper Gage Avenue).

Received.

10. Letter dated September 21, 1990, from Mr. K. E. Avery, City Clerk, advising of objection received to By-law Number 90-229 (Upper Sherman Avenue).

Received.

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It was moved by Alderman Gallagher and seconded by Alderman Murray.

RESOLVED: That Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting Health Care Services at Chedoke Hospital. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

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It was moved by Alderman Murray and seconded by Alderman Gallagher.

RESOLVED: That His Worship Mayor Robert M. Morrow be authorized and directed to meet with the Premier Elect, and the local M.P.P.'s, to discuss and clarify

the Government's position with respect to the reduction of emergency care services at Chedoke Hospital, with the view to obtaining a commitment to restore Chedoke Hospital to an active full service Hospital, with appropriate emergency care services with doctors, and report back to City Council. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Agro that Council move into Committee of the Whole to consider the following Reports, with Alderman Kiss in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

* * * * *

(A) TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT.

Section 1.

Re: Independent Appraisal - Crescent Oil, 136
Cannon Street West.

It was moved by Alderman Drury and seconded by Alderman Hinkley.

RESOLVED: That Section 1 of the Twelfth Report of the Transport and Environment Committee be referred to the Planning and Development Committee with instructions for the Committee to develop a list of "hot spots" of similar problems within the City.

YEAS: Aldermen Cooke, Kiss, Hinkley, Drury, Ross. - 5.

NAYS: Mayor Morrow; Aldermen Agro, McCulloch, Agostino, Lombardo, Jackson, Merling, Gallagher, Murray. - 9.
CARRIED.

* * * * *

**Section 1. Re: Independent Appraisal - Crescent Oil, 136
 Cannon Street West.**

It was moved by Alderman Cooke and seconded by Alderman Drury.

RESOLVED:That Section 1 of the Twelfth Report of the Transport and Environment Committee be amended by adding the following as Subsection (d):

- (d) That the Director of Property be directed to prepare a comprehensive list of similar "hot spot" sites for consideration by the Transport and Environment Committee. - CARRIED.

* * * * *

**Section 14,
Subsection (q). Re: Three-Way Stop Control - Intersection of
 Bay Street North and Picton Street.**

It was moved by Alderman Agro and seconded by Alderman McCulloch.

RESOLVED:That Subsection (q) of Section 14 of the Twelfth Report of the Transport and Environment Committee be amended by deleting the words "Picton Street West", in the second line, and substituting in lieu thereof the words "Macaulay Street West." - CARRIED.

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**Section 14,
Sub-Clauses
(i) and (iii)
of Subsection (r). Re: Parking Permit Policy.**

It was moved by Alderman Merling and seconded by Alderman Gallagher.

RESOLVED:That Sub-Clauses (i) and (iii) of Subsection (r) of Section 14 of the Twelfth Report of the Transport and Environment Committee be referred back. - CARRIED.

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(B) PLANNING AND DEVELOPMENT COMMITTEE - SIXTEENTH REPORT.**Section 11. Re: Provincial/Municipal Housing Agreement.**

It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED: That Section 11 of the Sixteenth Report of the Planning and Development Committee be amended by:

- (a) Deleting the word "NOT" as it appears throughout Section 11 in a bold and high-lighted type; and
- (b) By adding the following as Subsection (g):
 - (g) That the Mayor be directed to send a covering letter with the signed Provincial/Municipal Housing Agreement to the Minister of Housing clarifying the City's position on Intensification. This letter should indicate that the citizens of Hamilton have a concern over the conversion of single-family housing into duplexes and triplexes, particularly in established neighbourhoods. It should also indicate that the City is studying the issue and several public meetings have been held and more are contemplated.

The City's official position on Intensification will then be submitted to the Province, but not until the democratic process presently underway in Hamilton is completed. - **CARRIED.**

Section 12,
Subsection (a). Re: Transfer of Duties and Responsibilities of
the Department of Community Development.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, McCulloch, Hinkley, Drury, Lombardo, Merling, Ross. - 8.

NAYS: Alderman Jackson. - 1. **CARRIED.**

**Section 27,
Subsection (a).**

**Re: Amended Zoning Application for Property
Located at 1451, 1459, 1465 and 1469 Upper
James Street.**

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury,
Agostino, Lombardo, Jackson, Merling, Gallagher, Ross,
Murray. - 12.

NAYS: Alderman Hinkley. - 1. CARRIED.

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Section 28.

**Re: Proposed Plan - North-East Section of
Gourley Neighbourhood.**

Recorded Vote.

YEAS: Mayor Morrow; Alderman Kiss, Agro, McCulloch,
Hinkley, Drury, Agostino, Lombardo, Jackson, Merling,
Gallagher, Ross. - 12.

NAYS: Alderman Murray. - 1. CARRIED.

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**(H) FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-SECOND
REPORT.**

Section 21.

Re: Awarding of Contract - "User Fee" Study.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, McCulloch, Hinkley,
Jackson, Ross. - 6.

NAYS: Aldermen Kiss, Agro, Drury, Agostino, Lombardo,
Merling, Murray. - 7. LOST.

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Section 23. **Re: Memorial Plaque - "End the Violence" in
Memory of Women Murdered in Montreal
December 6, 1989.**

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch,
Hinkley, Drury, Agostino, Lombardo, Jackson. - 10.

NAYS: Aldermen Ross, Murray. - 1. **CARRIED.**

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Section 24. **Re: Official Delegation and Exchanges with
Ma'anshan, People's Republic of China.**

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Agro, McCulloch, Hinkley,
Lombardo, Jackson, Ross, Murray. - 8.

NAYS: Aldermen Cooke, Kiss, Drury, Agostino. - 4.
CARRIED.

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Section 28. **Re: Rooftop Advertising on Taxi Cabs.**

It was moved by Alderman Cooke and seconded by Alderman Ross.

RESOLVED: That Section 28 of the Twenty-Second Report of the
Finance and Administration Committee be referred back.
CARRIED.

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() **NOMINATING COMMITTEE - FIFTH REPORT.**

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It was moved by Alderman Cooke and seconded by Alderman Agro.

RESOLVED: That Alderman V. J. Agro be appointed Acting Mayor for the month of October, 1990. - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Agostino, Lombardo, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

* * * * *

NOTICE OF MOTION

Alderman V. J. Agro gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

WHEREAS the south side of King Street East has not been successful as a pedestrian mall, and

WHEREAS the merchants on that side of the street have suffered financially because all vehicular traffic is prohibited from 11.00 a.m. to 6.00 p.m., and

WHEREAS the merchants themselves on the south leg have made this request,

BE IT RESOLVED that the prohibition be removed to allow one lane of traffic and some restricted loading zones to allow pick-up and drop-offs similar to the privilege recently granted the taxi cabs, and that the present bus depots be not interfered with; and

FURTHERMORE, that this be done on a trial basis for four (4) months.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro.

RESOLVED: That the following Bills be now read a first time:

A-121, A-122, A-123, A-124, A-125, A-126,
B-103, B-104,
C-130, C-131, C-132, C-133, C-134, C-135, C-136, C-137, C-138,
H-107, H-108, H-109.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Agostino,
Lombardo, Jackson, Ross. - 10.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke, seconded by Alderman Agro, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Kiss in the chair.

A-121, A-122, A-123, A-124, A-125, A-126,
B-103, B-104,
C-130, C-131, C-132, C-133, C-134, C-135, C-136, C-137, C-138,
H-107, H-108, H-109.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Agostino,
Lombardo, Jackson, Ross. - 10.

NAYS: 0 - CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Agostino,
Lombardo, Jackson, Ross. - 10.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Agro.

RESOLVED:that the following Bills be now read a third time:

A-121, A-122, A-123,A-124, A-125, A-126,
B-103, B-104,
C-130, C-131, C-132, C-133, C-134, C-135, C-136, C-137, C-138,
H-107, H-108, H-109.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Agostino,
Lombardo, Jackson, Ross. - 10.

NAYS: 0 - CARRIED.

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Recorded vote to adjourn at 10.45 o'clock, p.m.

YEAS: Aldermen Cooke, Kiss, Agro, Drury, Agostino, Lombardo, Jackson,
Ross. - 8.

NAYS: Alderman Hinkley. - 1. CARRIED.

* * * * *

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **TWELFTH** Report for 1990 and respectfully recommends:

1.
 - (a) That the Property Department be authorized to obtain an independent appraisal at a cost of approximately \$4,000.00 for property known as Crescent Oil Company of Canada located at 136 Cannon Street West.
 - (b) That the Property Department also provide estimated costs to acquire the property relative to the expropriation procedure.
 - (c) That the Finance and Administration Committee recommend the method of financing.
 - * (d) That the Director of Property be directed to prepare a comprehensive list of similar "hot spot" sites for consideration by the Transport and Environment Committee.
2. That the 45 proposed bus shelter locations in the City of Hamilton, attached hereto as Appendix "A", of which 39 shelters are to be installed, subject to acquiring the applicable encroachment agreements, be approved.
3. That the Public Works Department proceed with reimbursing the citizens for a 4 foot extension to the wooden fence along the western side of the Sanitation Yard at 2418 Barton Street East at an estimated cost of approximately \$3,750.00 to be charged to Account No. 60168 56103 General Roadway Maintenance, only after the residents and/or developer repairs the leaning of the fence and the posts that have sunk and installed the extension along the length of the fence. It is understood by the residents and the City that although the City is participating by paying for this extension to the fence that the fence and 100% of the maintenance responsibility rests with the residents.

* Section 1(d) added during City Council.

4. (a) That the overexpenditure of \$106,957.00 in the Forestry's Storm Damage Account Centre No. 60428, be approved.
- (b) That the Finance and Administration Committee recommend the method of financing.

5. That a purchase order be issued to Fortran Traffic Systems Limited, Scarborough, in the amount of \$35,671.64 for the supply and delivery of a Traffic Signal Control System in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Traffic Signals Materials Account No. 56152 75999.

6. (a) That the construction of an independent concrete sidewalk on the west side of Centennial Parkway between Delawana Drive and Barton Street be proceeded with as a local improvement pursuant to Section 12 of the Local Improvement Act, at an estimated gross cost of \$60,478.00 as provided for in the 1990 portion of the 1990 - 1994 Capital Budget as Project No. 041-30000 (City's Share \$19,087.00) and Project No. 210-30000 (Owner's Share \$41,391.00), be approved.
- (b) That the Finance and Administration Committee be requested to recommend a source of funds for this Capital Project;
- (c) That the Commissioner of Engineering be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received; and,
- (d) That the City Clerk and the City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.

7. That the action of the Commissioner of Engineering in authorizing the application of the Westdale Village B.I.A. (1045 King Street West) to temporarily close Paisley Avenue from South Oval to the unassumed alley south of King Street West on Saturday, September 15, 1990 from 8:00 a.m. to 10:00 p.m. to hold a sidewalk sale and festival, be approved subject to the following conditions:
- (a) That the applicant receive a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
 - (b) That temporary road closure signs be installed one week in advance by the City of Hamilton Traffic Department if deemed appropriate on the affected roadways, at the expense of the organizing group;
 - (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the Region;
 - (d) That the applicant provide proof of \$2,000,000.00 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the Region harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss;
 - (e) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
 - (f) That no property owner or resident within the barricaded area be denied access to their property if requested.
 - (g) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant at least three weeks prior to the event in a form acceptable to the Commissioner of Engineering.

8. That the action of the Commissioner of Engineering in authorizing the application of the Barnstown Park Committee to temporarily close Dragoon Drive between 78 Dragoon Drive and 100 Dragoon Drive on Saturday, September 22, 1990 from 3:00 p.m. to 11:30 p.m. to hold a street dance, be approved subject to the following conditions:
- (a) That the applicant receive a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
 - (b) That temporary road closure signs be installed one week in advance by the City of Hamilton Traffic Department if deemed appropriate on the affected roadways, at the expense of the organizing group;
 - (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City of Hamilton;
 - (d) That the applicant provide proof of \$2,000,000.00 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the City harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss;
 - (e) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
 - (f) That no property owner or resident within the barricaded area be denied access to their property if requested.
 - (g) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant at least four weeks prior to the event in a form acceptable to the Commissioner of Engineering.

9. That the action of the Commissioner of Engineering in authorizing the application of the Hamilton District Militia (James Street Armoury, 200 James Street North) to temporarily close Hughson Street North between Cannon Street and Robert Street on Sunday, September 9, 1990 from 8:00 a.m. to 6:00 p.m. to hold a ceremonial parade, be approved subject to the following conditions:
- (a) That the applicant receive a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
 - (b) That temporary road closure signs be installed one week in advance by the City of Hamilton Traffic Department if deemed appropriate on the affected roadways, at the expense of the organizing group;
 - (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City of Hamilton;
 - (d) That the applicant provide proof of \$2,000,000.00 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the City harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss;
 - (e) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
 - (f) That no property owner or resident within the barricaded area be denied access to their property if requested.
 - (g) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant at least four weeks prior to the event in a form acceptable to the Commissioner of Engineering.

10. (a) That the following City lands be incorporated into various streets as follows:

Limeridge Road	Parts 1 and 2, Plan 62R-10170
Caroline Street	Part 1, Plan 62R-8873
Butler Drive	Part 3, Plan 62R-11281
Acadia Drive	Part 1, Plan 62R-8101 Part 2, Plan 62R-11281 Parts 11 and 12, Plan 62R-10529
- (b) That the By-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by City Council.
- (c) That the Commissioner of Engineering be authorized and directed to register the By-laws.
11. (a) That the estimated costs of services in Eastgate Heights Extension, Subdivision, Subdivider's share - \$ 46,484.42, City's share - Nil, be adopted for inclusion in the Subdivision Agreement with the owner.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements between the City and the respective owners.
- (c) That approval of the above recommendations be subject to the condition that no work be commenced until the Final Survey Plan and Subdivision Agreement have been registered.
- (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he should be permitted to do so at his own risk, provided that he enters into a Standard Agreement for Pre-Servicing.
12. (a) That the Chairman or his designate be authorized to attend the Hazardous Materials/Wastes Symposium to take place on September 30, to October 3, 1990 in Toronto.
- (b) That costs for attendance be allocated to Alderman Travel Account No. CH55201 10010 from the 1990 Operating Budget.

13. (a) That the Chairman or his designate be authorized to attend the Changing Attitudes About the Environment in the 90's Seminar to take place from October 21 to October 24, 1990 in Ottawa.
- (b) That costs for attendance be allocated to Alderman Travel Account No. CH55201 10010 from the 1990 Operating Budget.
14. That the City Traffic By-law No. 89-72 be amended to provide for the following:
- (a) (i) That eastbound left turns be prohibited on Limeridge Road East at the most easterly entrance/exit of the Lime Ridge Mall; and
- (ii) That southbound left turns be prohibited onto Limeridge Road East from the most westerly entrance/exit at the Lime Ridge Mall.
- (b) To prohibit the parking of vehicles on a City boulevard in the area between the sidewalk and curb.
- (c) That, subject to the Regional Council enacting a corresponding change for violations on Regional roads, and subject to approval of the appropriate set fines by the Chief Judge of the Provincial Offences Court for Ontario, the following parking violation fines be increased effective April 1, 1991:
- "No Stopping" violations from \$25.00 to \$50.00
 - Off-Street handicapped parking areas from \$50.00 to \$100.00
 - "Unauthorized Parking on Private and Municipal Property from \$13.00 to \$20.00
- NOTE:** Under Part II of the Provincial Offences Act, motorists receiving parking infraction notices (tags) will be permitted to pay the above voluntary payments as specified by the Municipal Traffic By-law within 7 days. However, the motorist has an option of an extended payment period of up to 15 days and paying a set fine penalty out-of-Court which is determined by the Chief Judge of Ontario.
- (d) (i) That the existing "No Parking" regulation on the west side of Beland Court be removed; and
- (ii) That the existing 154 foot "No Parking" regulation on the east side of Beland Court, south of Lucerne Avenue, be extended to the south end.

- (e) That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the west side of Hess Street North between Napier Street and Peter Street.
- (f) That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the west side of Baillie Street between Augusta Street and the north end.
- (g)
 - (i) That a "Permit Parking" regulation be implemented on the south side of Mars Avenue between Wentworth Street North and Cheever Street; and
 - (ii) That the Director of Traffic Services be authorized to issue one parking permit, upon request, to eligible applicants residing in Nos. 90, 94 and 100 Mars Avenue, and two parking permits to eligible applicants residing in Nos. 84, 86, 88, 92, 96 and 98 Mars Avenue; and
 - (iii) That in the future, if parking permits are available, the Director of Traffic Services be authorized to redistribute parking permits to other eligible applicants residing in the block on a first come first served basis, provided that the maximum of 19 permits is not exceeded.
- (h) That a "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 8:00 p.m." regulation be implemented on the east side of East 14th Street commencing 30 feet north of Howe Avenue and extending to a point 28 feet northerly therefrom.
- (i) That a "No Stopping, Wheelchair Loading Only" regulation be implemented on the south side of Burton Street commencing at a point 79 feet east of Emerald Street North and extending to a point 25 feet easterly therefrom.
- (j)
 - (i) That in combination with the existing "Alternate Side Parking" regulation, a "Permit Parking" regulation be implemented on the east side of Grosvenor Avenue North commencing 239 feet north of Dunsmure Road and extending to a point 19 feet northerly therefrom, and on the west side of Grosvenor Avenue North commencing 236 feet north of Dunsmure Road and extending to a point 23 feet northerly therefrom; and
 - (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Pasquale Costantini, 116 Grosvenor Avenue North.

- (k) That the existing "Permit Parking" regulation on the north side of Dunsmure Road which commences 71 feet east of Graham Avenue North and extends to a point 20 feet easterly therefrom be relocated such that the regulation commences 51 feet east of Graham Avenue North and extends to a point 20 feet easterly therefrom.
- (l) That a parking prohibition be implemented on the west side of Northgate Drive commencing at the southerly limit and extending to a point 45 feet northerly therefrom.
- (m) That parking be prohibited on the south side of Sanatorium Road from Rice Avenue to a point 412 feet easterly therefrom.
- (n) That the existing direction of stop control at the intersection of West 16th Street and Sanatorium Road be switched such that eastbound and westbound traffic on Sanatorium Road would be required to stop for northbound and southbound traffic on West 16th Street/Briarwood Crescent.
- (o) That northbound traffic on the east leg of Ironwood Crescent be required to stop for eastbound and westbound traffic on Independence Crescent.
- (p) That a four-way stop control be implemented at the intersection of East 23rd Street and Bruce Dale Avenue East.
- * (q) That a three-way stop control be implemented at the intersection of Bay Street North and Picton Street West.
- (r) That a parking permit policy be adopted as follows:
 - ** (i) That each residential unit abutting a designated block be allowed one permit regardless of whether or not the occupant owns a vehicle.
 - (ii) In cases where the occupant is not a vehicle owner, the occupant may loan the permit to any visiting nurse, homemaker, family member or other guest for the duration of the visit.
 - *** (iii) In the event that there are excess parking spaces for which permits have not been issued, a permit may be issued to the occupant of a business premises.

* Section 14(q) amended to read:

That a three-way stop control be implemented at the intersection of Bay Street North and Macauley Street West.

** Section 14(r)(i) referred back.

*** Section 14(r)(iii) referred back.

- (s) (i) That a three-way stop control be implemented at the southerly intersection of Birge Avenue and Cheever Street.
 - (ii) That a two-way stop control be implemented at the turn in the roadway where Birge Avenue meets Cheever Street.
 - (t) That a three-way stop control be implemented at the intersection of Greenhill Avenue and Stewartdale Avenue.
15. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first five applicants residing in the building at No. 120 Charles Street on a first come first served basis.
16. That leave be granted to introduce the following Bills:
- | | |
|-------------------|--|
| Bill A-121 | A By-law to Incorporate Part 3 on Plan 62R-11281 into Butler Drive |
| Bill A-122 | A By-law to Incorporate Parts 11 and 12 on Plan 62R-10529 Part 1, Plan 62R-8101 and Part 2, Plan 62R-11281 into Acadia Drive |
| Bill A-123 | A By-law to Incorporate Parts 1 and 2 on Plan 62R-10170 into Limeridge Road |
| Bill A-124 | A By-law to Incorporate Part 1 on Plan 62R-8873 into Caroline Street |
| Bill A-125 | A By-law to Amend By-law No. 89-72 to Regulate Traffic |
| Bill A-126 | A By-law to Amend By-law No. 89-72 to Regulate Traffic |

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Tina Agnello, Secretary
September 17, 1990**

mjlw

Appendix "A" as referred to in Section 2 of the TWELFTH Report of the Transport and Environment Committee

TABLE 1

1990 PROPOSED SHELTER LOCATIONS (sorted by warrant score)
CITY OF HAMILTON

PAGE 1 OF 2

SEPTEMBER 5, 1990

NO.	STOP #	LOCATION	SHELTER TYPE	CORNER	WARRANT SCORE	REQUEST ORIGIN	ENCR. REQ'D.
1	80000	James St. at Wood St.	AD	N/W	89	CITIZEN	YES
2	51323	Mohawk Rd. E. at Upper Sherman Ave.	NAD	N/W	89	CITIZEN	YES
3	90203	James St. S. at King St. W.	VIC	S/W	89	CITIZENS	NO
4	71205	Brampton St. at Woodward Ave.	CAN	N/W	87	CITIZEN	NO
5	72515	King St. E. at Ventworth St. N.	CAN	N/E	87	CITIZEN	NO
6	90800	King St. W. at Bay St. N.	VIC	N/E	85	CITIZENS	NO
7	90205	James St. S. bet. King St. and Main St.	VIC	W/Side	84	CITIZENS	NO
8	72525	King St. E. at Sherman Ave.	AD	N/E	82	CITIZENS	YES
9	72523	King St. E. at Holton	CAN	N/E	82	CITIZEN	NO
10	72307	Barton St. at Victoria Ave.	LG	N/W	81	CITIZEN	YES
11	50537	Upper Ottawa St. opp. Redbury St.	NAD	E/Side	79	TRINITY REPLACEMENT	NO
12	72341	Barton St. E. opp. Fraser	NAD	N/Side	79	CITIZEN	NO
13	60135	Upper Paradise Rd. at Mohawk Rd. W.	NAD	S/E	78	TRINITY REPLACEMENT	YES
14	50433	Upper Gage Ave. @ #98-155 Queen Victoria Dr.	NAD	E/Side	77	TRINITY REPLACEMENT	*
15	90210	James St. N. at York Blvd.	VIC	S/W	76	CITIZEN	NO
16	50437	Upper Gage Ave. at #1310 Upper Gage	NAD	E/Side	75	CITIZEN	*
17	72662	Queenston Rd. at Reid Ave. S.	NAD	S/W	72	CITIZEN	NO
18	82417	Strathcona Ave. opp. Tom St.	NAD	E/Side	71	COUN. KISS	*
19	50025	Upper James St. at Limeridge Rd. E.	AD	S/E	71	CITIZEN	YES
20	90501	York Blvd. at James St. N.	VIC	S/W	71	CITIZEN	NO
21	72640	Main St. E. at Graham	NAD	S/E	70	CITIZEN	YES
22	50239	Upper Ventworth St. at Southpark Ave.	AD	N/E	69	CITIZEN, TRINITY REP.	YES
23	72645	Main St. E. at Garside Ave.	NAD	N/E	68	CITIZEN	NO

LEGEND:

AD - Advertising shelter
 NAD - Non Advertising shelter
 LG - Large Advertising shelter
 CAN - Canopy shelter
 VIC - Victorian type shelter for Downtown
 * - Under Investigation
 ENCR. REQ'D - Encroachment required

TABLE 1 - con't

31. 1990 PROPOSED SHELTER LOCATIONS (sorted by warrant score)
CITY OF HAMILTON

PAGE 2 OF 2

SEPTEMBER 5, 1990

NO.	STOP #	LOCATION	SHELTER TYPE	CORNER	WARRANT SCORE	REQUEST ORIGIN	ENCR. REQ'D.
24	60325	Upper Paradise Rd. at Greenshire Rd.	NAD	N/E	67	CITIZEN	NO
25	60215	Garth St. at Sanatorium Rd.	NAD	S/E	67	TRINITY REPLACEMENT	NO
26	60237	Garth St. at Claudette Gate	NAD	N/E	65	CITIZEN	NO
27	50023	Upper James St. at #1417 Upper James	AD	E/Side	65	CITIZEN	NO
28	81009	Longwood Rd. at King St. W.	NAD	S/E	64	CITIZEN	YES
29	72129	Industrial Dr. at Scale Gate	NAD	N/Side	64	TRINITY REPLACEMENT	NO
30	60235	Garth St. opp. Regent St.	NAD	E/Side	64	TRINITY REPLACEMENT	NO
31	50339	Upper Sherman Ave. at Atherly Dr.	NAD	N/E	64	CITIZEN	YES
32	70700	Gage Ave. Bet. Burlington & Industrial	NAD	W/Side	62	TRINITY REPLACEMENT	YES
33	50129	Upper Wellington St. at Limeridge Rd. E.	NAD	S/E	61	CITIZEN	NO
34	50621	Upper Kenilworth Ave. at Mohawk Rd. E.	NAD	S/E	61	TRINITY REPLACEMENT	NO
35	71114	Parkdale Ave. at Melvin Ave.	CAN	S/W	60	CITIZENS	NO
36	61107	Mohawk College at Student Centre Entrance	NAD	E/Side	59	MOHAWK COLLEGE	YES
37	60414	Rice Ave. at Mohawk Rd. W.	NAD	N/W	58	CITIZEN	NO
38	50408	Upper Gage Ave. at Seventh Ave.	NAD	S/W	58	CITIZEN, COUN. SMITH	YES
39	72337	Barton St. E. at Rosslyn Ave.	NAD	N/W	56	CITIZEN	YES
40	71021	Strathearne Ave. at Britannia Ave.	NAD	S/E	55	CITIZEN, TRINITY REP.	NO
41	60333	Upper Paradise at Skyview	NAD	S/E	54	CITIZEN	NO
42	61522	Stone Church Rd. at Upper Paradise Rd.	NAD	S/W	54	CITIZEN	NO
43	81123	Emerson St. at Royal Ave.	NAD	S/E	51	COUN. KISS	YES
44	70117	Hughson St. N. at Wilson St.	NAD	S/E	51	CITIZEN	NO
45	80117	MacNab St. at York Blvd.	NAD	N/E	41	CITIZEN	NO

LEGEND:

AD - Advertising shelter
 NAD - Non Advertising shelter
 LG - Large Advertising shelter
 CAN - Canopy shelter
 VIC - Victorian type shelter for Downtown
 * - Under Investigation
 ENCR. REQ'D - Encroachment required

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **SEVENTEENTH** Report for 1990 and respectfully recommends:

1. That the LaSalle Park Marina Association be permitted to moor its wavebreaker in the water of the former Lax Property lagoon, from November 1990 to March 1991, subject to an agreement being entered into between the City of Hamilton and the LaSalle Park Marina Association, satisfactory to the City Solicitor.

NOTE: This agreement shall be for one season only. Should the LaSalle Park Marina Association wish to use the City's facilities in subsequent years, further applications to the Parks and Recreation Committee will have to be made.

2. That a purchase order be issued to Ancaster Paving Limited, Ancaster, in the amount of \$19 965 to supply all necessary labour and materials to resurface the Tennis Courts at Inch Park in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council". Funds provided in Reserve for Major Repairs and Improvements Account No. CH5X306 00109.

3.
 - (a) That the leasing of 109 Graham Avenue North to Shirley Rodereque be approved. Commencing 1990 October 01 the monthly rental will be \$545 including realty taxes of \$1 517 35.
 - (b) That the Mayor and City Clerk be authorized to execute the Tenancy Agreement.

4. (a) That the City of Hamilton renew the lease of Part 4 and 5 on Plan 62R-8595, located to the north of Brampton Street and west of Woodward Avenue, with the Province of Ontario represented by the Ministry of Government Services subject to the following changes:
 - i. the term of the lease being extended from 1990 August 01 to 1995 July 31.
 - ii. an increase in the rent from \$1 to \$200 for the entire term.
 - iii. the time period for cancellation by either the Ministry or the City be increased from nine (9) months to one (1) year.
- (b) That the Mayor and City Clerk be authorized to execute a renewal lease acceptable to the City Solicitor.
5. That for the 1990-1991 winter season, tobogganning be permitted on specifically designated slopes at King's Forest Winter Sports Park, and Chedoke Winter Sports Park where access to parking, washrooms, first aid, concession areas, staff monitors and grooming equipment is available.
6. (a) That the Department of Culture and Recreation participate in the 1991 Fit Trek sponsored by Fitness Canada and the Government of the Soviet Union at a cost not to exceed \$1 000.
- (b) That the Finance and Administration Committee recommend the method of financing.
7. (a) That, in accordance with the amended playlot equipment policy approved by City Council on 1990 August 28, approval be given to the allocation of funds for the purchase and installation of integrated playground equipment for Highview and Steeles Parks, in the amount of \$10 000 per playground.
- (b) That in consideration of the fact that the allocation in the 1990 Capital Budget for Playground Equipment has been fully committed and owing to the fact that no other source of funding can be identified by the Parks and Recreation Committee it is respectfully recommended that the Finance and Administration Committee recommend the method of financing the \$20 000 for an integrated playstructure.

8. That the Director of Culture and Recreation be authorized to implement a membership category for single parent families at a rate calculated at a reduction of 25% to the existing family rates.
9. (a) That the Director of Culture and Recreation be authorized to initiate terms of reference for an agreement between the Hamilton-Wentworth Separate School Board and the City to develop the areas of responsibility for playstructures on Separate Board Lands.

(b) That the City Solicitor be authorized to enter into a contract.
10. That approval be given for the Children's Museum and Dundurn Castle to make application to the Ministry of Social Services for Employment Program Grants.
11. That approval be given to the Children's Museum and Dundurn Castle to each apply to the Hamilton Foundation for a grant of up to \$3 000 per Museum.
12. That approval be given to the Chairman of the Hamilton Historical Board or his designate to attend the Ontario Museum Association (OMA) Annual Conference in Niagara-on-the-Lake, 1990 October 18-21st at an estimated cost of \$400, with funds being charged to Legislative Travel Account No. CH55201-10010.
13. That approval be given to issue a "Purchase Order" to Svedas Koyanagi Architects (SKA) for \$14 000. This purchase order will authorize SKA to proceed with the Feasibility Study for the Chedmac Drive site as outlined in the "Project Sub-Brief Feasibility Study/West Mountain Arena (Twin-Pad)" Second issue 1990 September 11.

NOTE: The purpose of the Feasibility Study for the West Mountain Twin Pad Arena - Chedmac Drive Site is to finalize a preliminary conceptual site plan including a time schedule, a cost estimate and space program for the building. Funding for the study is provided for in Reserve for Capital Projects, Centre 00203, as approved by City Council on 1990 July 31.

14. For the Information of the Members of Council, the Parks and Recreation Committee at its meeting held 1990 September 18 appointed Alderman M. Kiss to the New Crystal Palace Sub-Committee.

15. That leave be granted to introduce the following Bills:

- (a) B-103 By-law to Authorize Construction of a Fieldhouse at Mohawk Sports Park
- (b) B-104 By-law to Authorize Construction of a Facilities Building at Gage Park.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 September 18

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 250 MacNab Street North
 - (b) 982 Concession Street
 - (c) 315 Caroline Street South
2. That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, Fifty Yonge Street South Inc. of 85 Burford Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #180981 A. B. and 180982 A. B. Registered on 1970 September 11.
3. That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, G.N.A.S. Land Group Inc. of 1124 and 1136 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #202643 L. T. and 212805 L. T. Registered on 1987 June 18 and 1987 November 9 respectively.
4. That the Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of Lot 18, Plan M-227, duly executed on 1989 August 23, by the purchasers Allan Michaels Electric Ltd., and approved by City Council on 1989 September 26, Item 8 of the Twenty-First Report of the Planning and Development Committee, be amended as follows:
 - (a) That the commencement of construction date be extended from 1990 September 12 to 1991 March 12.
 - (b) That the completion of construction date be extended from 1991 September 12 to 1991 December 31.
 - (c) That all other terms and conditions of the agreement shall remain the same and time is of the essence.

5. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars (\$2,567.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars (\$2,568.) be provided to Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton.
6. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and eighty-four dollars (\$2,684.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
(b) That a Designated Property Grant in the amount of two thousand, six hundred and eighty-four dollars (\$2,684.) be provided to Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.
7. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars (\$2,567.) be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars (\$2,568.) be provided to Penelope Preston, 223 Ferguson Avenue South, Hamilton.
8. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars (\$2,567.) be approved for Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars (\$2,568.) be provided to Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton.
9. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and forty-four dollars (\$2,644.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
(b) That a Designated Property Grant in the amount of two thousand, six hundred and forty-four dollars (\$2,644.) be provided to Elaine Elson, 227 Ferguson Avenue South, Hamilton.

10. That City Council petition the Province of Ontario to enact proposed changes to the Building Code Act for increased fine levels.

NOTE: Proposed changes to the fines levied under the Building Code Act have been proposed by the Ontario Buildings Branch and the Ministry of Housing for numerous years. The latest draft is as follows:

"It is proposed that the new penalty for individuals per offence would be not more than \$25,000. on first conviction, and not more than \$50,000. on subsequent conviction; for corporations per offence, not more than \$50,000. on first conviction and not more than \$100,000. on subsequent conviction; and for conviction of failure to comply with an Order, not more than \$10,000. per day for every day upon which the offence continues after the time specified in the Order to achieve compliance with the Order has expired. Prison terms would remain the same."

- *11. **THE FOLLOWING RECOMMENDATION RESULTED IN A TIE VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE AND IN ACCORDANCE WITH CITY COUNCIL POLICY IS HEREWITH PRESENTED TO COUNCIL.**

- (a) That the Mayor and City Clerk NOT be authorized to sign, on behalf of the Corporation of the City of Hamilton, the Provincial/Municipal Housing Agreement, attached herewith and marked Appendix "A".
- (b) That the Department of Community Development, in conjunction with other relevant Departments, NOT be directed to continue to negotiate with the Province of Ontario on those items included in the Agreement but not completely resolved as of the date of signing.
- (c)
 - (i) That the Department of Community Development, on behalf of the Corporation of the City of Hamilton, NOT act as agent, on a fee for service basis, for the implementation of the Provincial Government's Convert-To-Rent Programme.
 - (ii) That the Mayor and City Clerk NOT be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Convert-To-Rent Programme satisfactory to the City Solicitor. The terms and conditions of the Convert-To-Rent Programme have been approved by the Planning and Development Committee.

- (d) That the Department of Community Development NOT implement a Supplemental Loan Programme in conjunction with the Convert-To-Rent Programme at a Capital Cost of \$740,000. The Programme will be available in Business Improvement Areas only, and the terms and conditions have been approved by the Planning and Development Committee. (For the Information of Council, the cost has been approved in the Department of Community Development's 1990-1994 Capital Budget.)
- (e)
 - (i) That the Department of Community Development NOT establish an Emergency Loan Programme using \$200,000. from the revolving fund established by the Hamilton Rehabilitation Programme; and,
 - (ii) That the Department of Community Development NOT be authorized to process emergency loans not to exceed \$2,000. to owner/occupants of residential single-family homes based on the terms and conditions approved by the Planning and Development Committee.
- (f)
 - (i) That the Department of Community Development NOT implement a \$10,000. Demonstration Programme, funded by the Province of Ontario, concerning the storage and re-use of equipment funded under the Ontario Home Renewal Programme - Disabled.
 - (ii) That the Mayor and City Clerk NOT be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Demonstration Programme satisfactory to the City Solicitor. The terms of the Demonstration Programme have been approved by the Planning and Development Committee.
- * 12. (a) That the duties and responsibilities of the Department of Community Development be transferred as follows:

<u>Function</u>	<u>Department</u>
(i) Community Renewal Section	Public Works
(ii) Hamilton Waterfront Parks Project	Public Works
(iii) Housing Loans Section	Building Department
(iv) Municipal Non-Profit (Hamilton) Housing Corporation	Chief Administrative Officer

and that the respective staff be reassigned accordingly.

* Recorded vote, see page 3022

(b) That the following positions be deemed redundant:

- (i) Director (to be retired)
- (ii) Administrative Assistant II (to be reassigned to a vacant position)
- (iii) Stenographer IV (to be reassigned)

NOTE: The salary savings, based on 1990 rates will be \$127,692.76 annually (5 year savings approximately \$711,000.)

13. (a) That the organizational structure for the Inspection Division of the Building Department as shown on Table B, attached herewith and marked Appendix "B", be approved.

(b) That the newly established positions of Supervisor Building Standards and Supervisor Inspection Services be referred to the Commissioner of Human Resources for classification. Also, the stenographic staff positions are to be reviewed for determination of proper classifications.

NOTE: These changes do not affect staff complement.

The proposed reorganization can be implemented within the Department's existing budget. It is anticipated that long range savings will be in the range of \$10,000./year.

14. That the Mayor and City Clerk be authorized to sign the Provincial/Municipal Agreement for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.).

15. (a) That, Basciano-O'Connor Landscape Architects Ltd., 1150 Blair Road, Burlington, Ontario, L7M 1K9, be appointed to carry out the design, concept development, detailed drawings and specifications for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) at a total set fee of thirty thousand dollars (\$30,000.) as per the attached Schedule, marked as Appendix "C"; and,

(b) That, the City Solicitor be authorized and directed to prepare the necessary legal agreement to carry out (a) above; and,

(c) That, the Mayor and City Clerk be authorized to sign the legal agreement referred to in (b).

NOTE: Funds are available in the Crown Point West/Stipeley Phase II P.R.I.D.E. Account No. CF 5200 428902002.

16. That Item 1.5 of Schedule "D" of the City of Hamilton Subdivision Agreement for Nash Orchard Heights West be amended to state "Security required for Parkland Purposes \$200,000." and that said securities be held until 1992, and at that time the developer will either transfer to the City, lands equal to the deficient parkland areas of 1540.28m² or make a cash payment of \$200,000. in lieu of dedicating said lands.
17. (a) That the City of Hamilton convey to the adjacent owners (832200 Ontario Ltd.) lands known as Part 14 of Plan 62R-4121, on Templemead Drive, in the City of Hamilton, and that the sale price for these lands be \$1.00.
- (b) That the City Real Estate Department be authorized to sell Part 14 of Plan 62R-4121.
- (c) That the City Solicitor be authorized to execute any documents required in this matter.

NOTE: These lands are located on the east side of Templemead Drive in the Templemead Neighbourhood.

18. That the City Solicitor be authorized to prepare and register on title a By-law to repeal By-law No. 89-295, which designated 65 Markland Street as property of historic and architectural value and interest, for presentation to City Council.
19. That with respect to the vacant residential property municipally known as 403 Sherman Avenue North, expropriated pursuant to Expropriation By-law No. 90-35 for the purpose of removing residential uses from the Industrial-zoned areas of the Alpha Enclave, that the City Clerk be authorized to:
- (a) Sign and serve Notice, in accordance with Section 41 of the Expropriations Act, that possession of the expropriated land is required;
- (b) Sign and serve Offers of Compensation, in accordance with Section 25 of the Expropriations Act, for the expropriated land as follows:

The total Offer of Compensation for this property is \$50,000. This is to be distributed among the following former owners and encumbrancers:

Donald Arnott	Spouse of Donald Arnott
Audrey Arnott	Spouse of Audrey Arnott
Raj Rani Jain	Spouse of Raj Rani Jain
Sumat Parkash Jain	Spouse of Sumat Parkash Jain
Douglas MacDonald	Spouse of Douglas MacDonald
Aldina MacDonald	Spouse of Aldina MacDonald
George Willard Roberts	Spouse of George Willard Roberts
Barbara Roberts	Spouse of Barbara Roberts
Stanley Smieska	Spouse of Stanley Smieska
Canada Trust Company	Household Finance Corporation
McKerlie-Millen Ontario Inc.	National Bank of Canada
National Trust Company	Ontario Legal Aid
Texaco Canada Inc.	Maynard Bath
Spouse of Maynard Bath	Satwant Bendi
Spouse of Satwant Bendi	Parkash Bendi
Spouse of Parkash Bendi	David F. Donovan
Spouse of David F. Donovan	Robert Hartshorne
Spouse of Robert Hartshorne	P.J. Associates Collection Services

NOTE: The City Treasurer has advised that funds are available in Account No. CF 5590 308750001 in the Alpha Enclave Clearance Programme.

20. That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

"That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings".

- 21. (a) That approval be given to amended Zoning Application 90-06 Agomen Group I Ltd., owners, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a mixed commercial/residential building on property located at 260-280 King Street East, as shown on the attached map marked as Appendix "E", on the following basis:
 - (i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown on Appendix "E", be modified to provide for the following variances as special provisions:
 - (1.) That notwithstanding Sections 14(1)(iia), 14(2) and 14(5) a mixed commercial/residential building shall be permitted provided:
 - (a) It has a maximum of 127 dwelling units;
 - (b) It has a maximum building height of 12 storeys;
 - (c) It has a maximum gross floor area ratio of 6.31; and,
 - (d) The multiple dwelling is attached to only commercial use(s) permitted under the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) of Zoning By-law No. 6593.
 - (2.) That all residential uses shall be located completely and functionally separate from any commercial uses, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

- (3.) That a minimum of 698.0 m² (7,520 sq.ft.) of landscaped area shall be provided and maintained either at or above grade, or any combination thereof;
- (4.) That notwithstanding Sections 18A(1)(c) and 18A(1)(d) one loading space having a minimum dimension of 18.0 m X 3.7 m X 4.3 m shall be provided and maintained on the lot;
- (5.) That notwithstanding Section 18A(9) the manoeuvring space for the required loading space shall be located off-site;
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1189, and that the subject lands on Zoning District Map E-4 be notated S-1189;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (v) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".
- (b) That By-law 79-275, as amended by By-law 87-223, establishing Site Plan Control, be amended by adding the lands shown on the attached map marked as Appendix "E" to Schedule "A".
- (c) That the amending By-law not be forwarded for passage by City Council until the applicant has applied for and received approval of a Site Plan registered on title.
- (d) That demolition of the building be subject to Demolition Control under Section 33(6) of The Planning Act R.S.O.

NOTE: The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, applicable to the lands located at 260-280 King Street East.

The effect of the By-law is to permit the development of the subject lands for a mixed commercial/residential building having approximately 1,360.0 m² (14,640 sq.ft.) of ground floor retail commercial space, and 127 dwelling units (apartments).

In addition, the By-law provides for the following variances as special requirements:

- (a) That the maximum gross floor area of the building be restricted to 6.31 X lot area;
- (b) That the building height be restricted to a maximum of 12 storeys;
- (c) That only the commercial uses as set out under the "CR" (Commercial-Residential) Districts shall be permitted in conjunction with residential uses;
- (d) That all residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;
- (e) That a minimum landscaped area of 698.0 m² (7,520 sq.ft.) shall be provided and maintained either at or above grade, or any combination thereof.
- (f) That one loading space having a minimum dimension of 18.0 m X 3.7 m X 4.3 m shall be provided and maintained on the lot;
- (g) That the manoeuvring space for the required loading space shall be located off-site.

22.

That approval be given to amended Zoning Application 90-43, 668550 Ontario Limited (A. Tuite and L. Centurami), owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District (Block "2"), to permit single-family development on Block "1" and commercial development on Block "2", for property located at 69 and 75 Rymal Road East, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- (c) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands described as Block "2", be modified to include the following variances as special requirements:

- (i) That a minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m and not greater than 2.0 m in height, shall be provided and maintained along the easterly side property line;
- (ii) That Section 2 of By-law No. 86-273 be amended by deleting the words "of Block 2 and along the easterly lot lines of Blocks 2 and 3" in the last paragraph, and by adding the wording; "and along the northerly 53.40 m portion of the easterly lot line of Block 2", so that the revised paragraph reads as follows:

"...shall be provided and maintained along the northerly lot line and along the northerly 53.40 m portion of the easterly lot line of Block 2".

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-980a, and that the subject lands on Zoning District Map E-9D be notated S-980a;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (g) That the Ryckmans Neighbourhood Plan be amended by redesignating Block "2" from "Single and Double Residential" to "Commercial".

NOTE: The purpose of this By-law is to provide for changes in zoning for property located at 69 and 75 Rymal Road East, on the following basis:

- (a) Block "1" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (b) Block "2" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit single-family residential development on Block "1", and commercial development (office complex and auto sales) on Block "2".

In addition, the By-law provides for the following modification as a special requirement:

A minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the easterly side property line of Block "2".

23. That Zoning Application 90-50, Christine Spera-Fazackerly, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at 1 Mount Royal Avenue, as shown on the attached map marked as Appendix "G", be **DENIED** for the following reasons:
- (a) It does not comply with the intent of the Official Plan;
 - (b) It would be an undesirable intrusion of a three-family dwelling into an area that is predominantly single-family dwellings;
 - (c) It is an overintensification of land use, in that only one parking space can be provided on-site whereas four are required;
 - (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and alter the character of the neighbourhood; and,
 - (e) It is premature pending the completion of the Housing Intensification Study.
24. That approval be given to an amended Zoning Application 90-52, Malatesta Brothers Construction, owners, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), to permit the development of the subject lands for townhouses or maisonettes, for the property located at 1461 Upper Gage Avenue, as shown on the attached map marked as Appendix "H", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
 - (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
 - (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - (i) That Section 10E(2)(a)3 shall not apply;
 - (ii) That a minimum 3.0 m wide planting strip shall be provided and maintained along the easterly lot line;

- (iii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the easterly lot line;
- (d) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Maps E-49C and E-49D for presentation to City Council;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1190, and that the subject lands on Zoning District Maps E-49C and E-49D be notated S-1190;
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified (Block "2"), for the property located at 1461 Upper Gage Avenue.

The effect of the by-law is to permit future development of the subject lands for townhouses or maisonettes. In addition, the by-law provides for the following variances as special provisions:

- (a) No street townhouses will be permitted;
 - (b) A minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the easterly lot line; and,
 - (c) A 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the easterly lot line.
25. (a) That approval be given to amended Zoning Application 90-49 Mintland Developments Inc., owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District, to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor, for property located at 252, 256, 260, and 262 Victoria Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:
- (i) That the lands described as Block 1 be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District.

- (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
 - (1.) That Section 18(3)(ivc)(b) shall not apply;
 - (2.) That Sections 18A(11) and (12)(a) shall not apply;
 - (3.) That Section 18A(1)(d) shall not apply;
 - (4.) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly lot line of Block "1" adjoining Victoria Avenue North, except for any area(s) used for vehicular access.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1191, and that the subject lands on Zoning District Map E-12 be notated S-1191.
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council.
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the lands described as Blocks 1 & 2, on the attached Appendix "T" to Schedule "A".

NOTE: The purpose of the By-law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at 252, 256, 260, and 262 Victoria Avenue North.

The effect of the By-law is to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor.

In addition, the By-law provides for the following variances as special requirements:

- (a) To exempt the development from the required 3.0 m wide planting strip along the southerly rear lot line adjoining a residential district (Section 18(3)(ivc)(b));

- (b) To exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip between the parking area and the residential district (Section 18A(11) and (12)(a));
 - (c) To exempt the development from the requirement of a loading space (Section 18A(1)(d));
 - (d) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly lot line of Block "1" adjoining Victoria Avenue North, except for any area(s) used for vehicular access.
26. (a) That approval be given to Zoning Application 90-55, Intermediate Terminals, Division of Canpac International Freight Services Ltd., owner, requesting a modification to the "KK" (Restricted Heavy Industry, etc.) District regulations, to permit Canada Customs, customs brokers, bonded carriers, and ancillary office uses (sufferance warehouse) to occupy more than 15% of the floor area, for the property located at 400 Grays Road, as shown on the attached map marked as Appendix "J", on the following basis:
- (i) That the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (1.) That Section 17A(1)(aa) and Section 16A(1)(h) shall not apply to ancillary office space used by Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1192, and that the subject lands on Zoning District Map E-123 be notated S-1192;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the subject lands to Schedule "A".

NOTE: The purpose of the by-law is to provide for a modification to the "KK" (Restricted Heavy Industrial, etc.) District regulations for the property located at 400 Grays Road.

The effect of the by-law is to permit ancillary office space for Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse to occupy more than 15% of the floor area.

- *27. (a) That amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting an Official Plan Amendment and changes in zoning from "AA" (Agricultural) District to "G" - "H" (Neighbourhood Shopping Centre, etc.) Holding District for Block "1", from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3", to permit future development of the subject lands as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, for property located 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "K", be **DENIED** on the following basis:
- (i) It conflicts with the intent of the Official Plan which designates Block "1" as "Residential"; and,
 - (ii) It conflicts with the intent of the approved Ryckmans Neighbourhood Plan which designates Block "1" for "Low Density Apartments".
- (b) That approval be given to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, for changes in zoning from "AA" (Agricultural) District to "DE" - "H" (Low Density Multiple Dwellings) Holding District for Block "1", from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3", to permit future development of Block "1" as low density apartments, and to permit development of Blocks "2" and "3" as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, for property located 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "L", on the following basis:
- (i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to Block "1", by introducing the holding symbol "H" as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until land assembly with the adjoining lands to the south takes place and a site plan is approved for the assembled lands.

* Recorded vote, see page 3023

Removal of the holding restriction shall be conditional upon:

- (1.) The applicants assembling the adjoining lands to the south up to the proposed mid-block collector road; and,
- (2.) approval of site plans for the assembled lands.

City Council may remove the "H" symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once land assembly has taken place and a site plan is approved for the assembled lands.

- (ii) That Block "1" be rezoned from "AA" (Agricultural) District to "DE" - "H" (Low Density Multiple Dwellings) Holding District;
- (iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;
- (iv) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;
- (v) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 13.(1), the following additional commercial uses shall be permitted:
 - (a) A liquor dispensary;
 - (b) A brewer's retail store; and,
 - (c) A video store.
 - (2.) That notwithstanding Section 13.(1)(xiv), a theatre with seating capacity for not more than one thousand persons shall be permitted;
 - (3.) That Section 13.(3)(ii) shall not apply to the southerly boundary;
 - (4.) That notwithstanding Section 13.(3)(i), a front yard of not less than 6.0 m shall be provided and maintained for that portion of any building located within 22 m of the southerly boundary of Block "3";
 - (5.) That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the entire easterly boundary of Block "2";

- (6.) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly boundary line of Block "2";
 - (vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1193, and the subject lands on Zoning District Map E-9D be notated S-1193;
 - (vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;
 - (viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (ix) That the Ryckmans Neighbourhood Plan be amended by redesignating part of Blocks "2" and "3" from "Commercial and Retail Warehouse" to "Neighbourhood Commercial".
- (c) That the amending By-law not be forwarded for passage by City Council until such time as:
- (i) The City Solicitor has been notified by Bayfield Green Developments Ltd. (owner of 1471 Upper James Street) that the rezoning applicants have entered into an agreement satisfactory to Bayfield Green to provide a permanent right-of-way to Blocks "2" and "3" (Appendix "L") to connect property municipally known as 1471 Upper James Street with the proposed access point to Upper James Street on the lands being rezoned; and,
 - (ii) The applicants apply for and receive approval of site plans incorporating the applicable "Urban Design Guidelines for Upper James Street" for Blocks "2" and "3" (Appendix "L"), including the adjoining lands to the south known as 1471 Upper James Street.

NOTE: In regard to Block "1", the amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until an assembly with the lands to the south has taken place and a site plan is approved for the assembled lands. Removal of the holding restriction shall be conditional upon land assembly with the lands to the south, site plan approval for the assembled lands, and the passage of an amending By-law to remove the "H" symbol, and thereby giving effect to the "DE" District provisions.

With regard to Blocks "2" and "3", the purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3" for properties located at 1451, 1459, 1465, and 1469 Upper James Street.

The effect of the By-law is to permit future development of Block "1" for low density apartments, in conjunction with the adjoining lands to the south. With regard to Blocks "2" and "3", the purpose of the By-law is to permit commercial development of the subject lands, for which the By-law provides for the following special requirements:

- (a) The following additional commercial uses shall be permitted on Blocks "2" and "3": a video store, a brewers' retail outlet, a liquor store, and a theatre with a seating capacity of not more than 1,000 persons;
- (b) No side yard along the southerly boundary of Blocks "2" and "3" whereas a 4.5 m side yard is required;
- (c) A minimum front yard of 6.0 m (20 feet) instead of the required 24.0 m (80 feet) for that portion of any building within 22 m (72 feet) of the southerly boundary of Block "3";
- (d) A minimum 3.0 m wide landscaped strip be provided and maintained along the entire easterly boundary of Block "2"; and,
- (e) A visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the entire easterly boundary of Block "2".

- * 28. That the proposed plan for the north-east section of the Gourley Neighbourhood, attached herewith and marked Appendix "M" (Map 1), be approved.
- 29. That approval be given to Zoning Application 90-64, Salci Developments, owner, requesting the removal of the "H" (Holding) symbol provision under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a By-law for submission to City Council for the property located at 15 Beaverton Drive, as shown on the attached map marked as Appendix "N".

NOTE: The purpose of the By-law is to remove the "H" Holding symbol for property located at 15 Beaverton Drive. The holding provision was established for this property to prohibit development of the subject lands until such time as municipal services are available and a draft plan of subdivision has been approved by the Regional Municipality of Hamilton-Wentworth. In this regard, the draft plan of subdivision was approved in February of 1990. Arrangements for servicing will be completed prior to the final registration of the subdivision under the requirements of the draft plan approval.

The effect of the By-law is to permit the future development of the subject lands for fifteen small lot-single family dwellings.

30. (a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059, for presentation to City Council.

That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,

That the by-law continue in force for a term not to exceed 6 months from the date of its registration.

- (b) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 4 and 5 of Registered Plan No. 1059.
- (c) That upon the fulfilment of the above condition and within 6 months of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

31. That leave be granted to introduce the following Bills:

- (a) C-130 A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of Municipal Nos. 1422 and 1430 Upper Sherman Avenue.
- (b) C-131 A By-law to designate the Main Street West Community Improvement Project Area.
- (c) C-132 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 779 Rymal Road East.
- (d) C-133 A By-law to amend Zoning By-Law No. 6593 as amended by By-laws No. 80-278 and 82-225 respecting lands located at Municipal Nos. 39 and 41 Devonport Street.

- (e) C-134 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 88-205 respecting land located at the south-west corner of Upper Sherman Avenue and Limeridge Road East.
- (f) C-135 A By-law to authorize Clearing of Domestic and Industrial Waste on the Premises located at Municipal No. 1306 King Street East.
- (g) C-136 A By-law to authorize the Repair of Buildings and Structures, land located at Municipal No. 1306 King Street East, pursuant to Section 10(4), The Building Code Act, R.S.O. 1980, Chapter 51, as amended.
- (h) C-137 A By-law to repeal By-law No. 89-295 respecting land located at Municipal No. 65 Markland Street.
- (i) C-138 A By-law to remove "Stone Church Survey" Registered Plan of Subdivision from Part-Lot Control.

Respectfully submitted,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1990 September 19th**

"Section 11 amended to read:

11. (a) That the Mayor and City Clerk be authorized to sign, on behalf of the Corporation of the City of Hamilton, the Provincial/Municipal Housing Agreement, attached herewith and marked Appendix "A".
- (b) That the Department of Community Development, in conjunction with other relevant Departments, be directed to continue to negotiate with the Province of Ontario on those items included in the Agreement but not completely resolved as of the date of signing.
- (c) (i) That the Department of Community Development, on behalf of the Corporation of the City of Hamilton, act as agent, on a fee for service basis, for the implementation of the Provincial Government's Convert-To-Rent Programme.
- (ii) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Convert-To-Rent Programme satisfactory to the City Solicitor. The terms and conditions of the Convert-To-Rent Programme have been approved by the Planning and Development Committee.
- (d) That the Department of Community Development implement a Supplemental Loan Programme in conjunction with the Convert-To-Rent Programme at a Capital Cost of \$740,000. The Programme will be available in Business Improvement Areas only, and the terms and conditions have been approved by the Planning and Development Committee. (For the Information of Council, the cost has been approved in the Department of Community Development's 1990-1994 Capital Budget.)
- (e) (i) That the Department of Community Development establish an Emergency Loan Programme using \$200,000. from the revolving fund established by the Hamilton Rehabilitation Programme; and,
- (ii) That the Department of Community Development be authorized to process emergency loans not to exceed \$2,000. to owner/occupants of residential single-family homes based on the terms and conditions approved by the Planning and Development Committee.
- (f) (i) That the Department of Community Development implement a \$10,000. Demonstration Programme, funded by the Province of Ontario, concerning the storage and re-use of equipment funded under the Ontario Home Renewal Programme - Disabled.
- (ii) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Demonstration Programme satisfactory to the City Solicitor. The terms of the Demonstration Programme have been approved by the Planning and Development Committee.

- (g) That the Mayor be directed to send a covering letter with the signed Provincial/Municipal Housing Agreement to the Minister of Housing clarifying the City's position on Intensification. This letter should indicate that the citizens of Hamilton have a concern over the conversion of single-family housing into duplexes and triplexes, particularly in established neighbourhoods. It should also indicate that the City is studying the issue and several public meetings have been held and more are contemplated. The City's official position on Intensification will then be submitted to the Province, but not until the democratic process presently underway in Hamilton is completed."

CITY OF HAMILTON AND MINISTRY OF HOUSING
JOINT HOUSING ACTION AGENDA

Aug 14/90
800-555-1
1070-04
90/6/14 R

Background

The City of Hamilton first approached the Ministry of Housing in the Summer of 1988 to express its interest in pursuing a partnership with the Ministry of Housing to address the needs of the community for affordable housing. This joint Housing Action Agenda includes affordable housing initiatives through redevelopment projects to revitalize neighbourhoods and provincial program support for non-profit and affordable housing as well as residential intensification.

1.0 Targeted Revitalization Initiative

The objective of this initiative is the creation or preservation of rental units in marginal neighbourhoods in the City of Hamilton.

- 1.1 The City of Hamilton will enter into an operating agreement with the Ministry of Housing to deliver the Convert to Rent program on a fee for service basis.
- 1.2 The City of Hamilton will provide \$800,000 as an enriched loan component to the Convert to Rent Program to make it possible to bring marginal conversions into the Program.
- 1.3 The Ministry of Housing has provided to the City of Hamilton a total allocation of 2300 units for rooming houses, regular units and disabled modifications under the Low-Rise Rehabilitation Program.
- 1.4 The City will consider initiatives to unlock private financing for revitalizing marginal neighbourhoods.
- 1.5 The Ministry of Housing will actively encourage and support an application by the City for funding under the Home Planning Advisory Service, within one year from the date of this Agreement, to assist property owners with housing intensification and rehabilitation programs. A firm commitment by the City to apply for funding must be in place by December 1, 1990.
- 1.6 The Ministry of Housing will actively encourage and support an application by the City for funding under the Neighbours Program, within one year from the date of this Agreement, to undertake an educational/promotional campaign to support housing intensification. A firm commitment by the City to apply for funding must be in place by December 1, 1990.
- 1.7 The Ministry of Housing will provide available promotional materials to support the housing revitalization initiative.

Appendix "A" as referred to
in Section 11 of the SIXTEENTH
Report for 1990 of the
Planning & Development Committee.

- 1.8 The Ministries of Housing and Municipal Affairs will encourage the City of Hamilton to focus their funding applications under PRIDE and PRIDE - Housing Intensification programs on neighbourhoods targeted for housing revitalization.

2.0 Non-Profit Housing

- 2.1 The Ministry of Housing has provided a reserve allocation of 300 units to the City of Hamilton.
- 2.2 The City will continue to provide a \$5 million loan fund for land acquisitions for non-profit housing.
- 2.3 The City agrees to undertake a leadership role in conjunction with a coalition of local social housing providers, in developing advocacy initiatives to support social housing providers in the delivery of non-profit housing.
- 2.4 The Ministry of Housing will encourage the City to continue to enhance its municipal non-profit housing function.
- 2.5 The City will continue to monitor procedures for streamlining approvals for non-profit housing.
- 2.6 The City will work with the Social Planning and Research Council of Hamilton and District as well as the Housing Help Centre to address neighbourhood opposition to non-profit housing (NIMBY issues).
- 2.7 The City intends to pursue its policies of encouraging affordable housing in the Central Area through the use of non-profit housing programs.

3.0 Housing First on Government Land

- 3.1 The Province will encourage all Ministries to expedite their review of vacant land holdings to release land for affordable housing.
- 3.2 The City supports a Housing First policy on government lands and will review and prepare an inventory of its land holdings for suitability for residential use.
- 3.3 The City and Province will encourage the Region of Hamilton-Wentworth to adopt a Housing First policy for its land holdings and to review these land holdings for suitability for residential use.

4.0 Provincial Housing Policy Implementation Study

4.1 The City adopted a work program to implement the Provincial Policy Statement on Land Use Planning for Housing. The Ministry of Municipal Affairs have approved Hamilton's application for funding of \$51,000 under the Community Planning Grant (Housing) Program to undertake a study in eight areas required to implement the Policy Statement including:

- . ten year supply of land;
- . servicing policies;
- . three year supply of serviced lots;
- . streamlining the process;
- . housing types and distribution;
- . 25% affordable housing;
- . housing intensification; and
- . monitoring.

4.2 The Ministry of Housing and the Ministry of Municipal Affairs will continue to work with the City to implement its planning studies.

5.0 Ontario Home Renewal Program

5.1 The City will establish an Emergency Loan Program of \$200,000 to address emergency electrical, roof, plumbing or heating problems.

5.2 The Ministry of Housing will permit the City to recover funds from their existing Ontario Home Renewal Program (OHRP) trust account where the City has advanced funds for its proposed Emergency Loan Program, pending Ministry approval of the proposed guidelines associated with the program to be contained in a joint Ministry/Municipal Memorandum of Agreement.

5.3 The Ministry of Housing will consider a separate allocation for the City under the Ontario Home Renewal Program for Disabled Persons (OHRP-D), based upon discussions between the Ministry and the City, and only if funds for new commitments for this program become available.

5.4 The Ministry of Housing will fund a \$10,000 Demonstration Project to determine the feasibility of re-using equipment originally funded under OHRP-D. The City of Hamilton will assume all resulting liability and prepare a report commenting on the results of the demonstration after it has been in operation for a period of one year.

6.0 Common Housing Priority List

The Ministry of Housing is working with the City and representatives of the non-profit housing sector and the Hamilton-Wentworth Housing Authority towards the development and implementation of a common housing priority system to coordinate waiting lists for non-profit and assisted housing.

- 6.1 The Ministry of Housing is funding a \$30,000 technical study to undertake a feasibility analysis for a common housing priority system.
- 6.2 The Ministry of Housing will consider funding up to \$20,000 for organizational expenses to set up a common housing priority system.
- 6.3 The City will consider contributing resources to support the implementation of a common housing priority system.

7.0 Liaison with Hamilton Homebuilders Association

- 7.1 The City will work with the Hamilton Homebuilders Association to explore opportunities for affordable home ownership.

8.0 Hamilton Beach Strip

- 8.1 The City and the Province will continue to investigate the potential for innovative and affordable housing in the Hamilton Beach Strip.

9.0 Terms of Agreement

- 9.1 All funding commitments from the Province are subject to appropriations from Management Board of Cabinet.
- 9.2 All funding commitments from the City are subject to the approval of the Council of the City of Hamilton.
- 9.3 The terms of this joint housing action agenda are valid for one year from the date of signing. Amendments may be mutually undertaken at any time during the term of this joint housing action agenda.
- 9.4 It is understood that this memorandum of understanding is not intended to limit in any way the on-going policies and undertakings with respect to housing and related matters between the Ministry of Housing and the City of Hamilton.

The foregoing is the scope of the joint housing action agenda between the City of Hamilton and the Ontario Ministry of Housing. It is a record of the interest and commitment of both parties to work together on housing matters.

Honourable John Sweeney
Minister of Housing and
Minister of Municipal Affairs
Province of Ontario

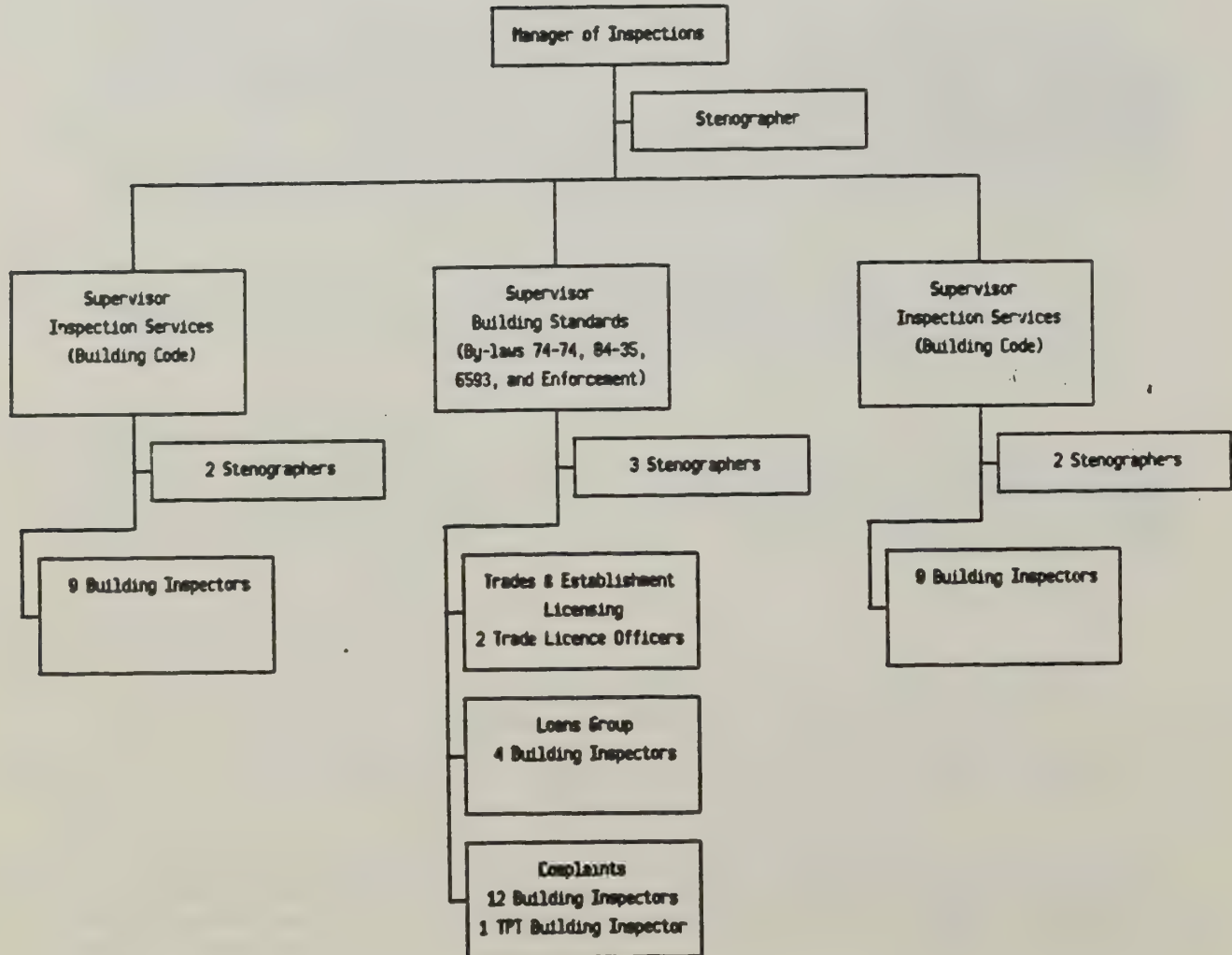
Date Signed

Robert Morrow
Mayor
City of Hamilton

Date Signed

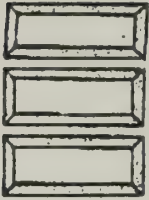
TABLE B

BUILDING DEPARTMENT
PROPOSED RE-ORGANIZATION
INSPECTION DIVISION



AUGUST 1990

Appendix "B" as referred to in
Section 13 of the SIXTEENTH
Report for 1990 of the Planning &
Development Committee.



BASCIANO • O'CONNOR-3073-
LANDSCAPE ARCHITECTS

(A DIVISION OF FRANK BASCIANO LANDSCAPE ARCHITECTS LIMITED)

1150 Blair Road, Suite #101, Burlington, Ontario L7M 1K9 Fax. (416) 332-3409 Tel. (416) 332-7604

"A"

09/25/90

September 12, 1990

The Corporation of The City of Hamilton
Department of Community Development
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. Ed Kowalski

RE: Stipeley / Crown Point West Phase II P.R.I.D.E.
Proposal of Consulting Services

Dear Sir:

We appreciate this opportunity to submit for your consideration and review our proposal for consulting services for the Design Development, Contract Document Preparation and Contract Management of the Crown Point West/Stipeley Phase II P.R.I.D.E. in Hamilton.

Based on our previous experiences with Homeside O.N.I.P. and The Corktown/Stinson O.N.I.P., and The Downtown Hamilton Action Plan work; we recognize the intensive co-ordination and consulting process that will be required throughout this project. We also understand the probable time frame for the design and development Tasks to achieve a successful completion.

We have organized an overall programme for data collection, concept design, meetings, contract document preparation, tendering and contract management. An important aspect of this project will be the detailed review of neighbourhoods in order to determine opportunities for enhancement through tree planting, buffering, and/or other landscape treatments.

This will be accomplished through site analysis as well as through a review of any existing research information as compiled by City staff.

Particular emphasis will be placed on northerly areas of neighbourhoods which abut industrial properties. Opportunities for street enhancement will be sought out in residential sectors of the neighbourhoods.

Appendix "C" as referred to in
Section 15 of the SIXTEENTH
Report for 1990 of the Planning &
Development Committee.

09/25/90

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PROGRAMME

We have organized the Programme into three phases of work, which are characterized as follows:

1. BACKGROUND DATA COLLECTION/CONCEPT DEVELOPMENT
2. DETAIL DESIGN/CONTRACT DOCUMENTS
3. CONTRACT MANAGEMENT

TASK ONE: Background Data Collection/Concept Development

- collect background base information such as legal information, municipal services, traffic, etc.
- overall review of all existing background documentation.
- photograph all existing sites and surrounding land uses.
- meet with city staff and discuss preliminary Programme development.
- prepare Preliminary Design concepts for staff review discussion and agreement together with Committee Consultation/Agreement.
- prepare preliminary budget for review to ensure designs meet with overall Programme Budget.
- meetings with staff, citizens, committees of Council, etc.
- modify designs based on public input and staff/committee input.

TASK TWO: Detail Design/Contract Documents

- incorporate revisions from design process, set budget priorities based on committee/staff direction.
- prepare contract document package for various sites, detail design areas, planting plans. (details, specification, tender form if required).
- co-ordinate and incorporate hard servicing works as required prepared by regional engineering.
- finalize cost estimates based on detail design.
- circulate and solicit for staff comment prior to finalizing contract documents.
- incorporate revisions as required.
- provide final document sets for tendering to city purchasing.
- co-ordinate during Call for Tender, respond to inquiry, prepare addendum as required, review tenders after closing and make recommendations to Committee and Council.
- revise contract as required to meet budget objectives.

- 3 -

**TASK THREE: Contract Management
Meetings/Co-ordination:**

- attend pre-construction and scheduled job construction meetings with Contractor and City/Regional Staff.
- provide overall management and design inspection together with Regional Engineering inspection staff.
- co-ordinate with City/Regional Staff throughout construction regarding municipal requirements/changes.
- report to Community Development and Public Works as required.
- provide contract administration, site inspections, certification of payment, certificates of substantial performance, total performance, final acceptance, warranty forms, etc.

SCHEDULE OF FEES

TASK ONE: BACKGROUND DATA/CONCEPT DEVELOPMENT	\$ 8,000.00
TASK TWO: DETAIL DESIGN/CONTRACT DOCUMENTS	\$ 12,000.00
TASK THREE: CONTRACT MANAGEMENT	\$ 10,000.00

TOTAL PROFESSIONAL FEES\$ 30,000.00

NOTE: Should any additional scopes of work be required, these would be done only following your authorization.

We have assumed that the construction of the sites will be concurrently running.

Our professional fees are based on total construction costs of \$ 300,000.00, with our fee calculated at 10% of construction costs. If construction cost vary, fees would change accordingly.

DISBURSEMENTS

We propose to bill all disbursements such as mileage, printing, courier, etc. at cost plus a 10% administration fee.

We estimate these to be approximately \$ 300.00 to \$ 400.00.

These costs would exclude the reproduction and printing for Tendering of Contract Sets.

09/25/90

-3076-

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Our per diem rates for any work in addition to that which is outlined above, are as follows:

Principal	\$500.00 / 7.5 hr day
Senior Landscape Architect	\$450.00 / 7.5 hr day
Landscape Architect	\$340.00 / 7.5 hr day
Staff	\$300.00 / 7.5 hr day

Our terms of payment are that on a monthly basis we invoice for work performed on this project. Terms of Payment are Net 30 days with Service Charges of 1 1/2% per month added to the unpaid balance owing.

We are particularly interested in working with The City again. Based upon previous experience with similar projects we recognize the steps required to achieve approvals and deadlines associated with the Programme and assure you of our firm's ability to meet this objective.

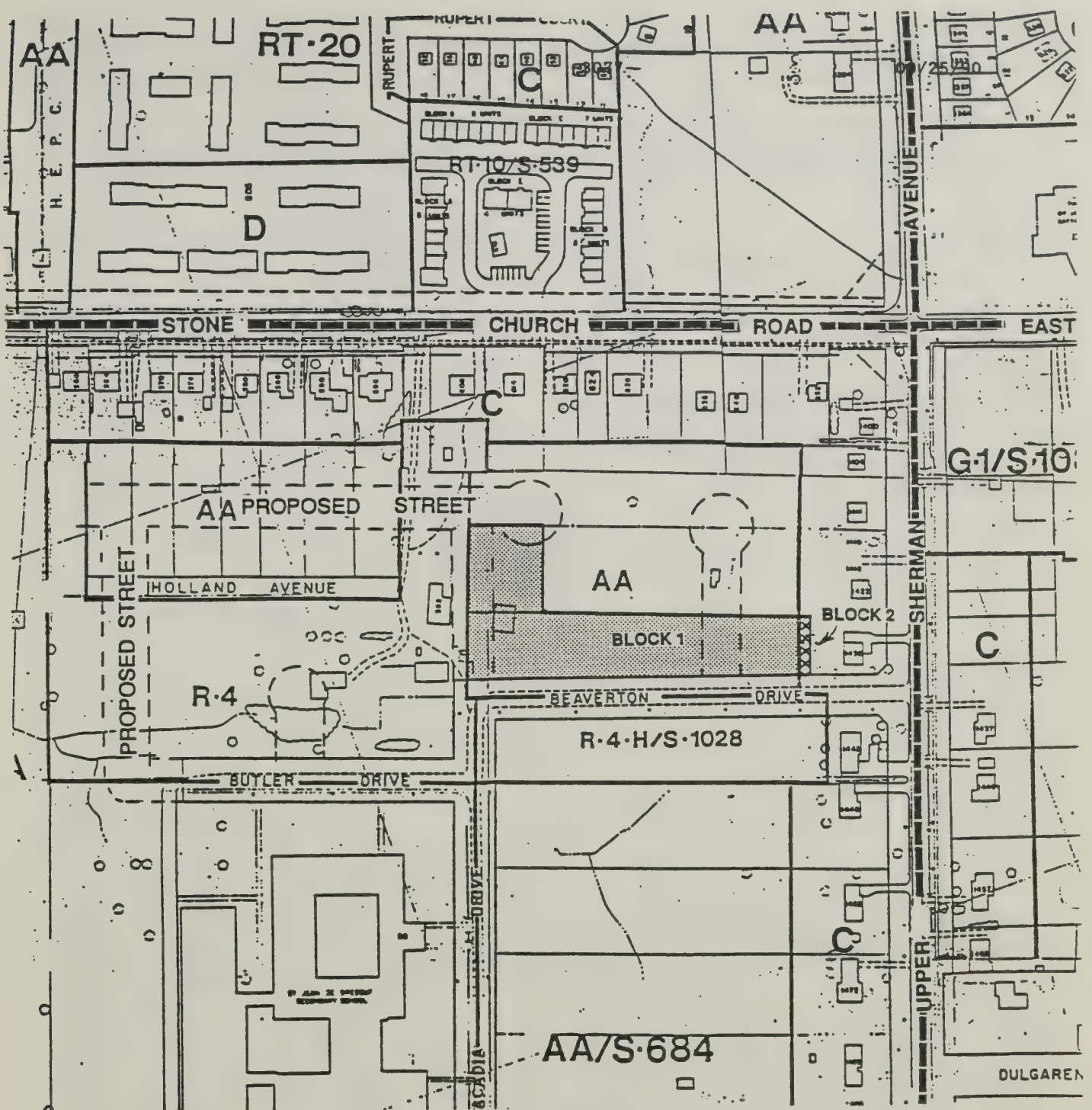
We appreciate having an opportunity to be of service and in the event of questions please do not hesitate to contact us.

Yours truly,
BASCIANO - O'CONNOR LANDSCAPE ARCHITECTS

M. Mokrycke

Ms. Marianne Mokrycke

MM:bl



Appendix "D" as referred to in
Section 20 of the SIXTEENTH
Report for 1990 of the Planning
& Development Committee.

Legend

Proposed change in zoning from:

BLOCK 1



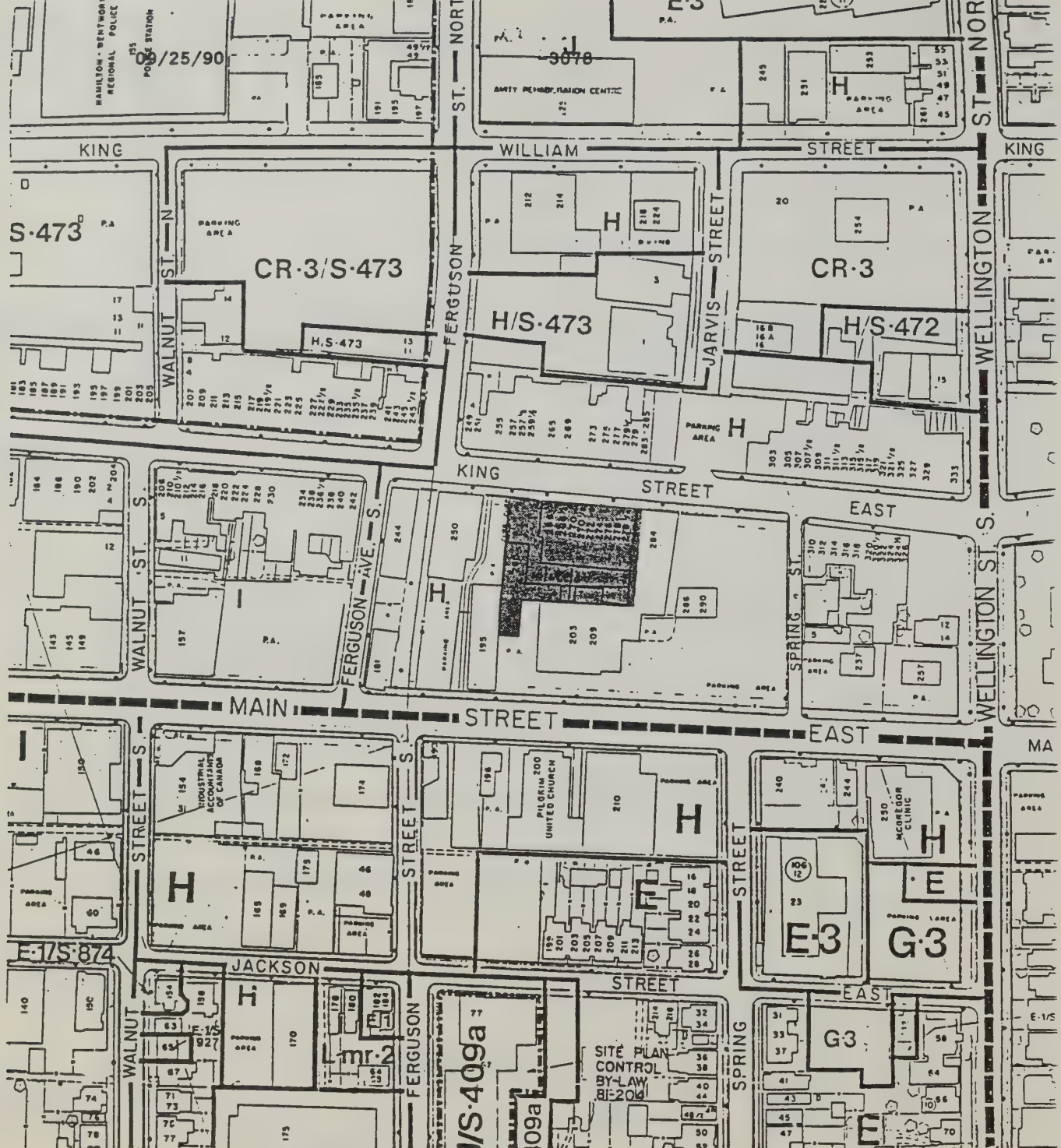
"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

BLOCK 2



"C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

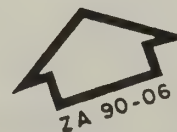




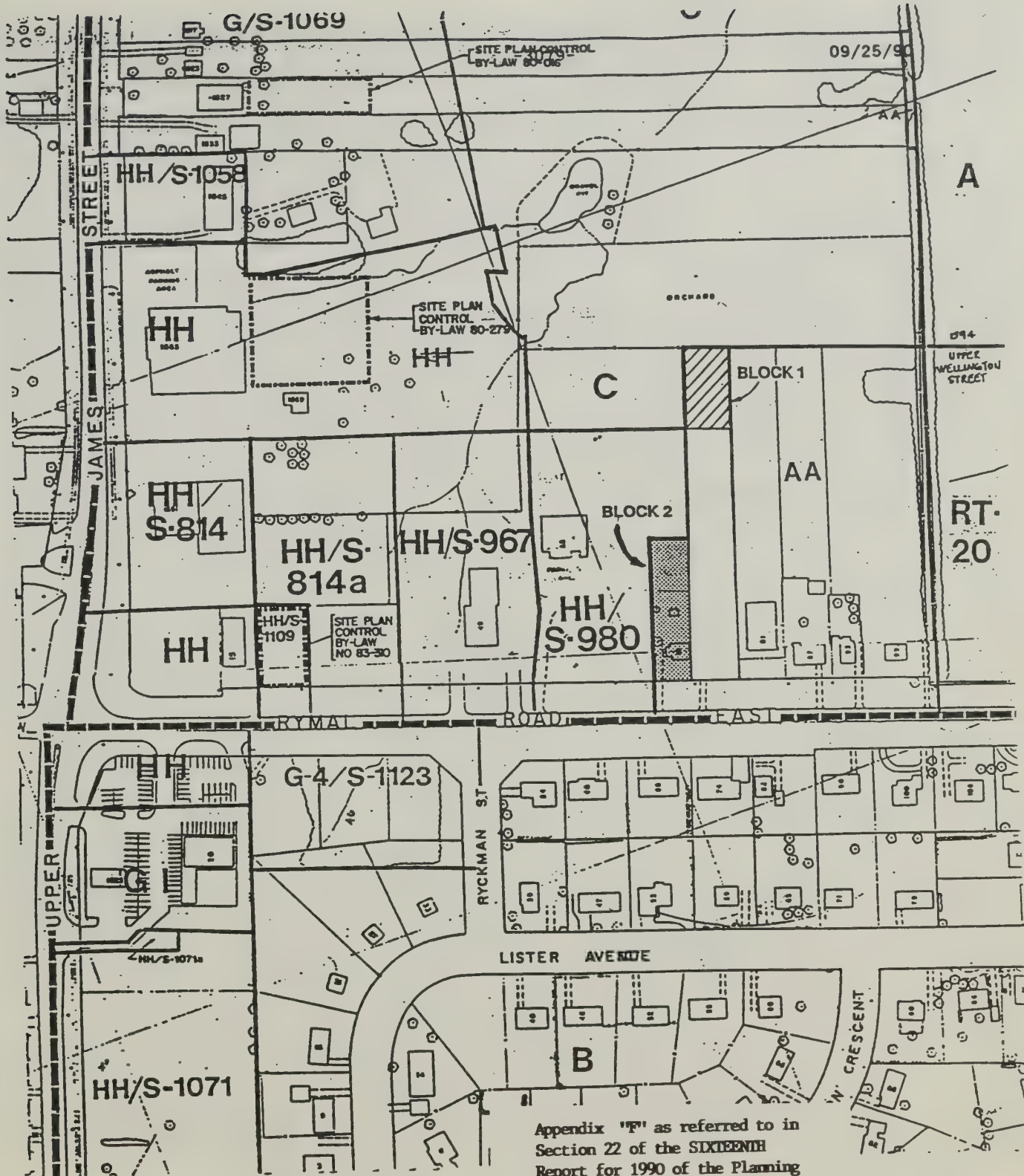
LEGEND



SITE OF THE APPLICATION

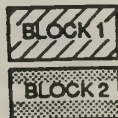


Appendix "E" as referred to in
Section 21 of the SIXTEENTH
Report for 1990 of the Planning &
Development Committee.



Legend

Proposed change in zoning from:

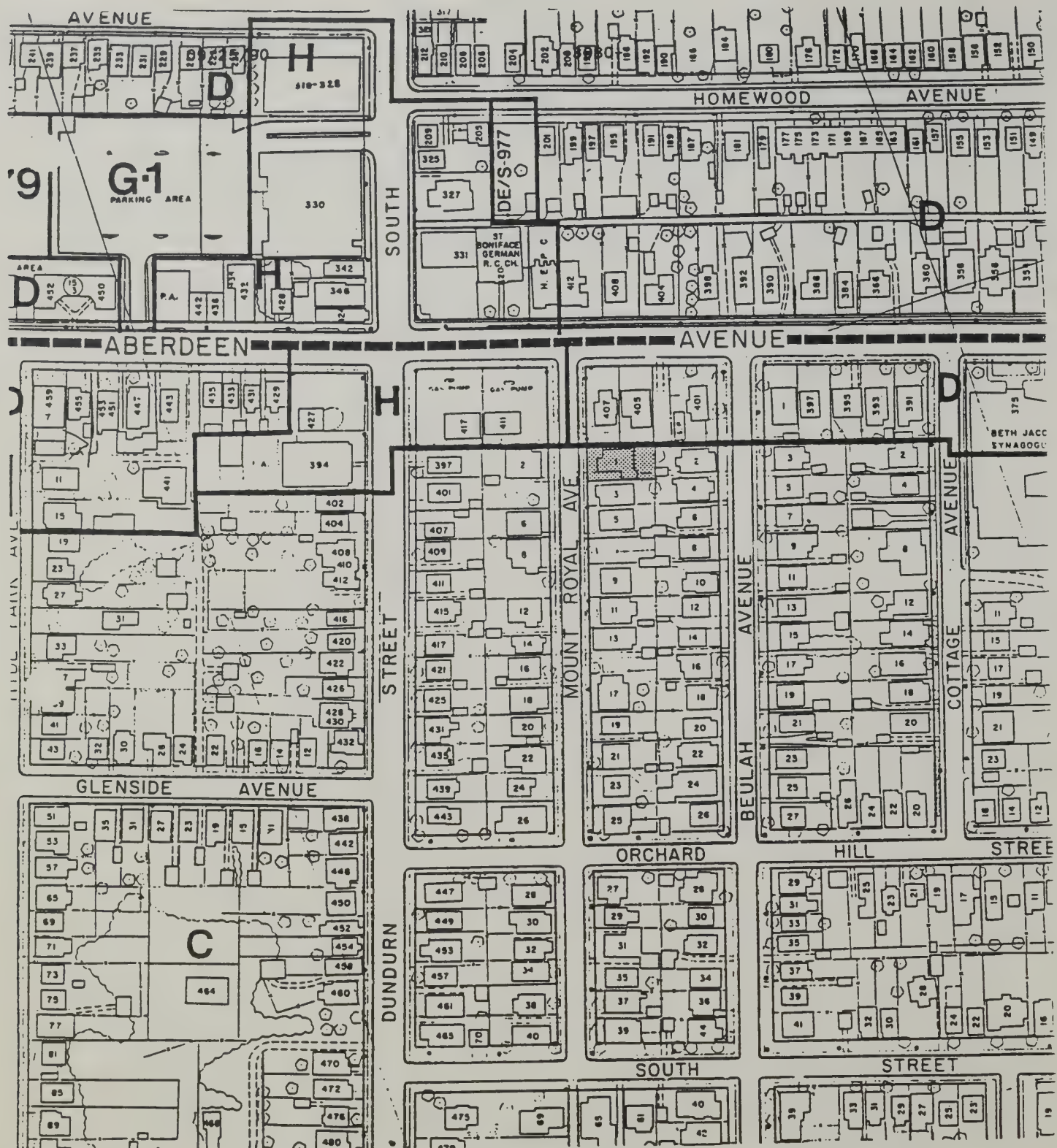


AA (Agricultural) District to *C* (Urban Protected Residential, etc.) District

AA (Agricultural) District to *HH* (Restricted Community Shopping and Commercial) District

Appendix "F" as referred to in
Section 22 of the SIXTEENTH
Report for 1990 of the Planning
& Development Committee.





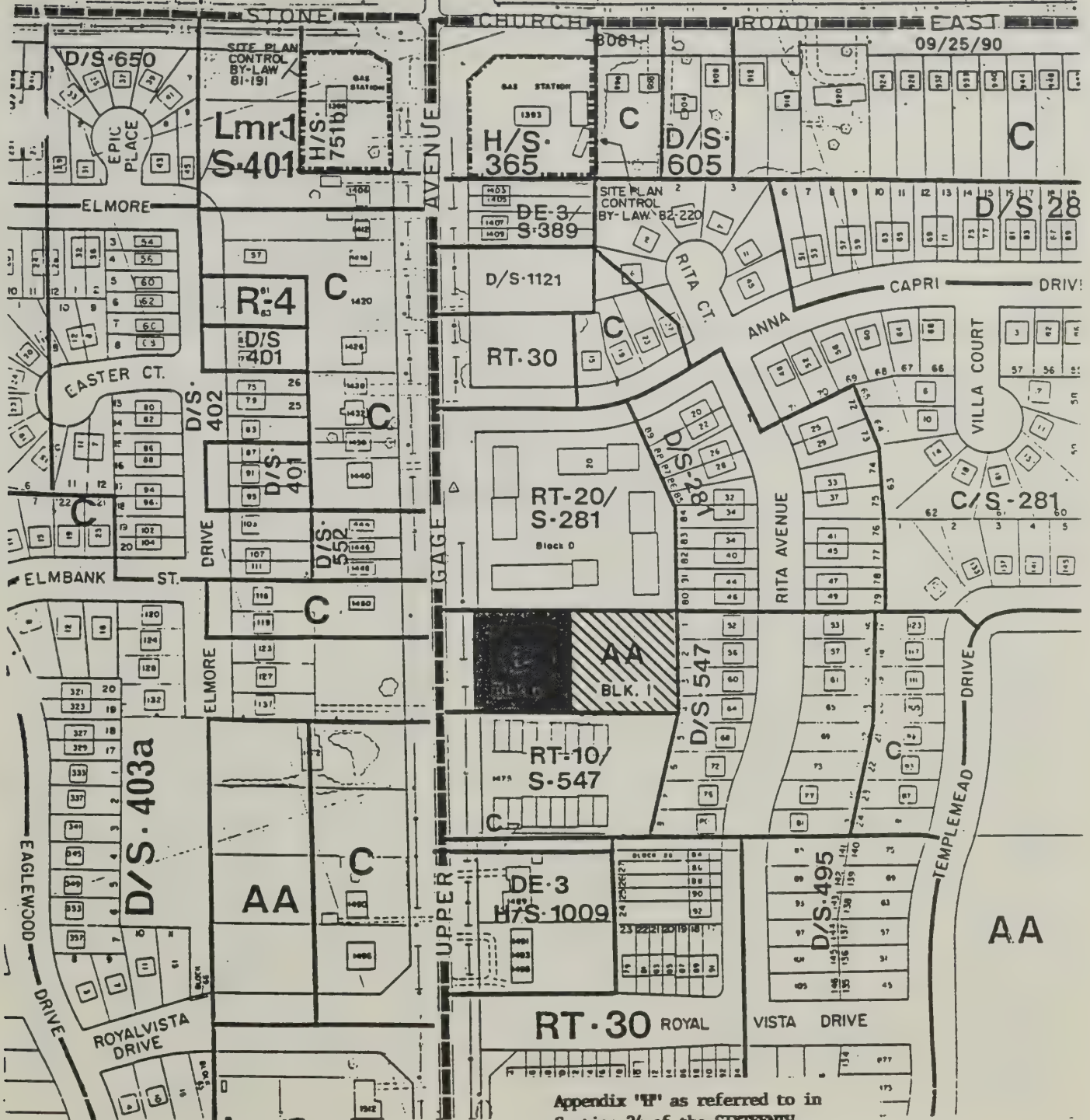
LEGEND

 SITE OF APPLICATION

Appendix 'G' as referred to in
Section 23 of the SIXTEENTH
Report for 1990 of the Planning
& Development Committee.

ZA-90-50

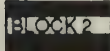
APPENDIX A



Appendix "F" as referred to in
Section 24 of the SIXTEENTH
Report for 1990 of the Planning
& Development Committee.

Legend

Proposed change in zoning from:

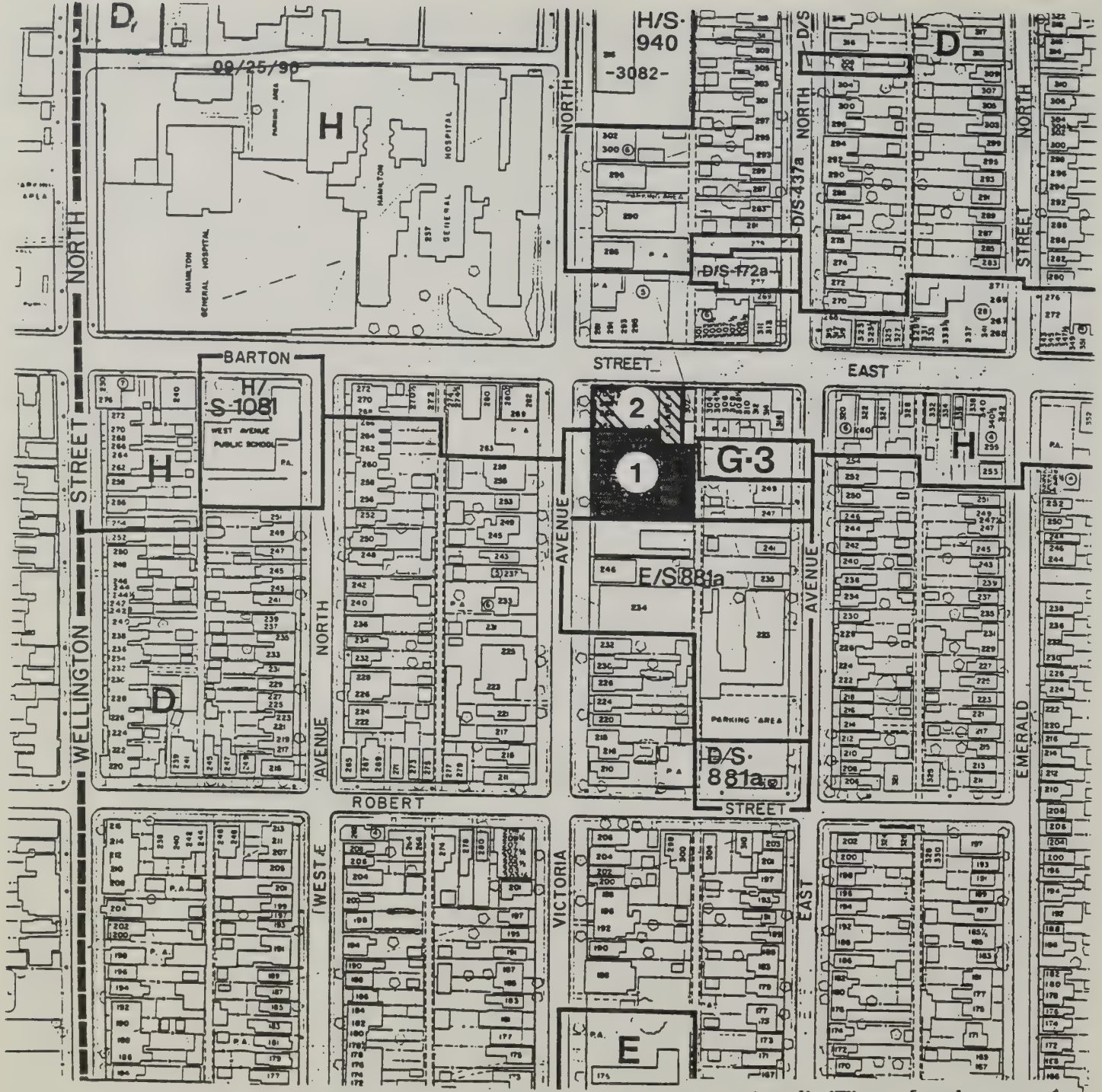


"AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

"C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District.





APPENDIX A

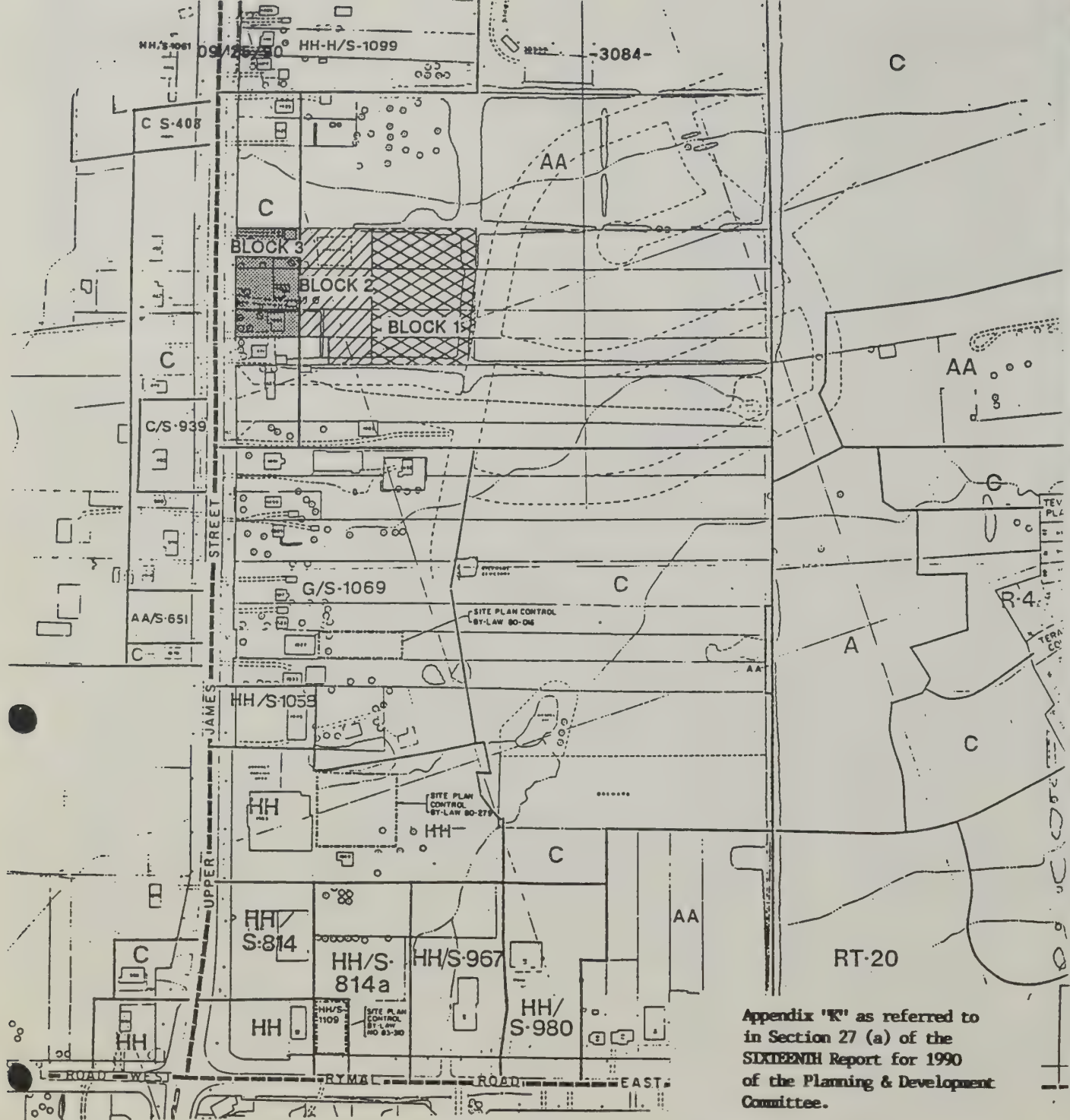


Appendix "T" as referred to in Section 25 of the SIXTEENTH Report for 1990 of the Planning & Development Committee.

LEGEND




- BLOCK 1  CHANGE IN ZONING FROM "E" (MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.) DISTRICT TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT, MODIFIED.
- BLOCKS 1 & 2  LANDS SUBJECT TO SITE PLAN CONTROL.





Legend

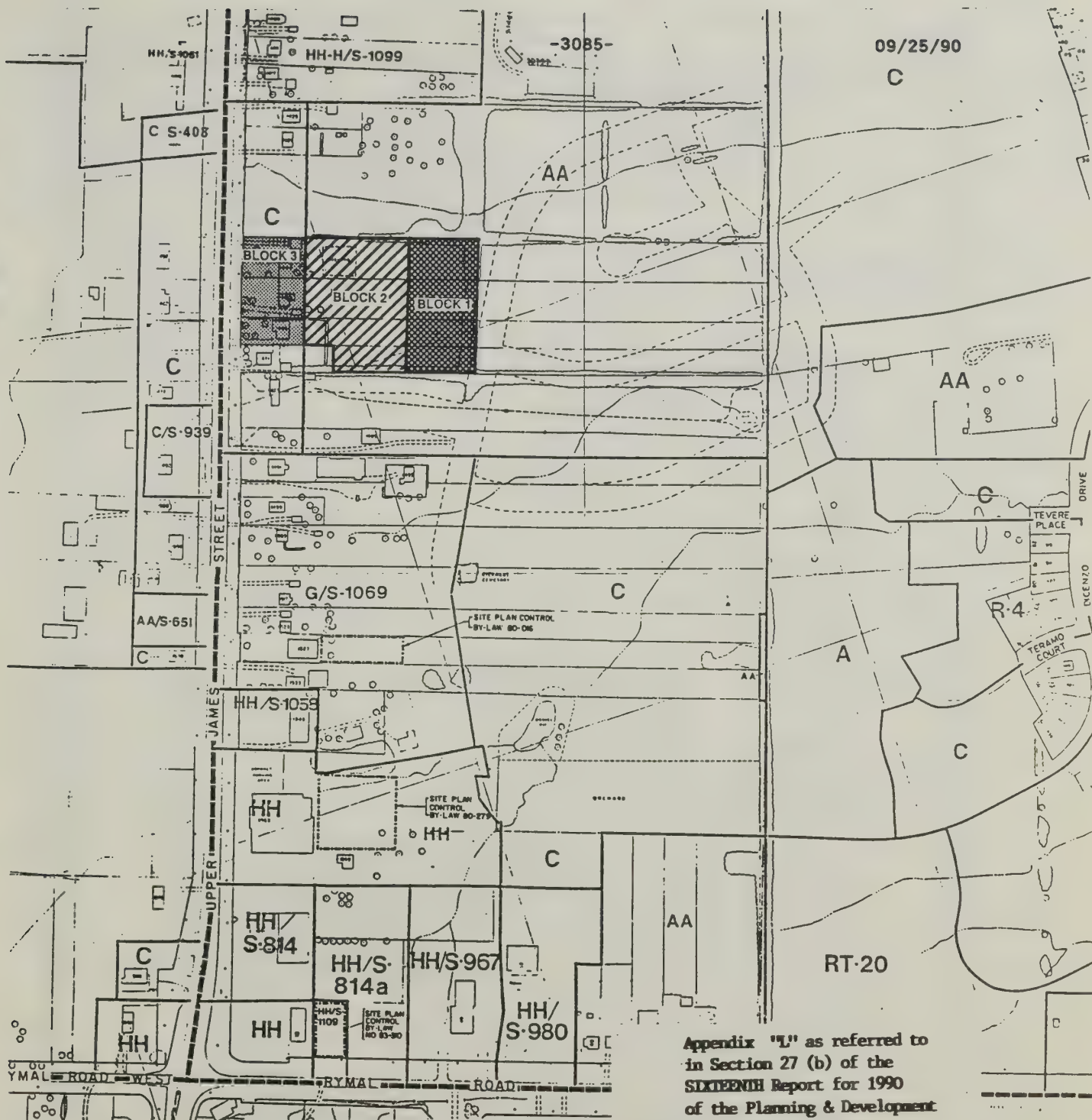
Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "G" - "H" (Neighbourhood Shopping Centre, etc.) Holding District. |
| BLOCK 2 |  | "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District. |



APPENDIX A 1




09/25/90



Appendix "L" as referred to in Section 27 (b) of the SIXTEENTH Report for 1990 of the Planning & Development Committee.

Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "DE"-H (Low Density Multiple Dwellings) Holding District |
| BLOCK 2 |  | "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District. |



APPENDIX B

09/25/90

-3086-

1988 POPULATION 2530

Land Use

- Residential
 - Single and Double
 - Attached Housing
 - Low Density Apartments
 - Medium Density Apartments
 - High Density Apartments
 - Commercial and Apartments
- Non-Residential
 - Commercial
 - Industrial
 - Office and Institutional
 - Park and Recreational
 - Open Space
 - Utilities

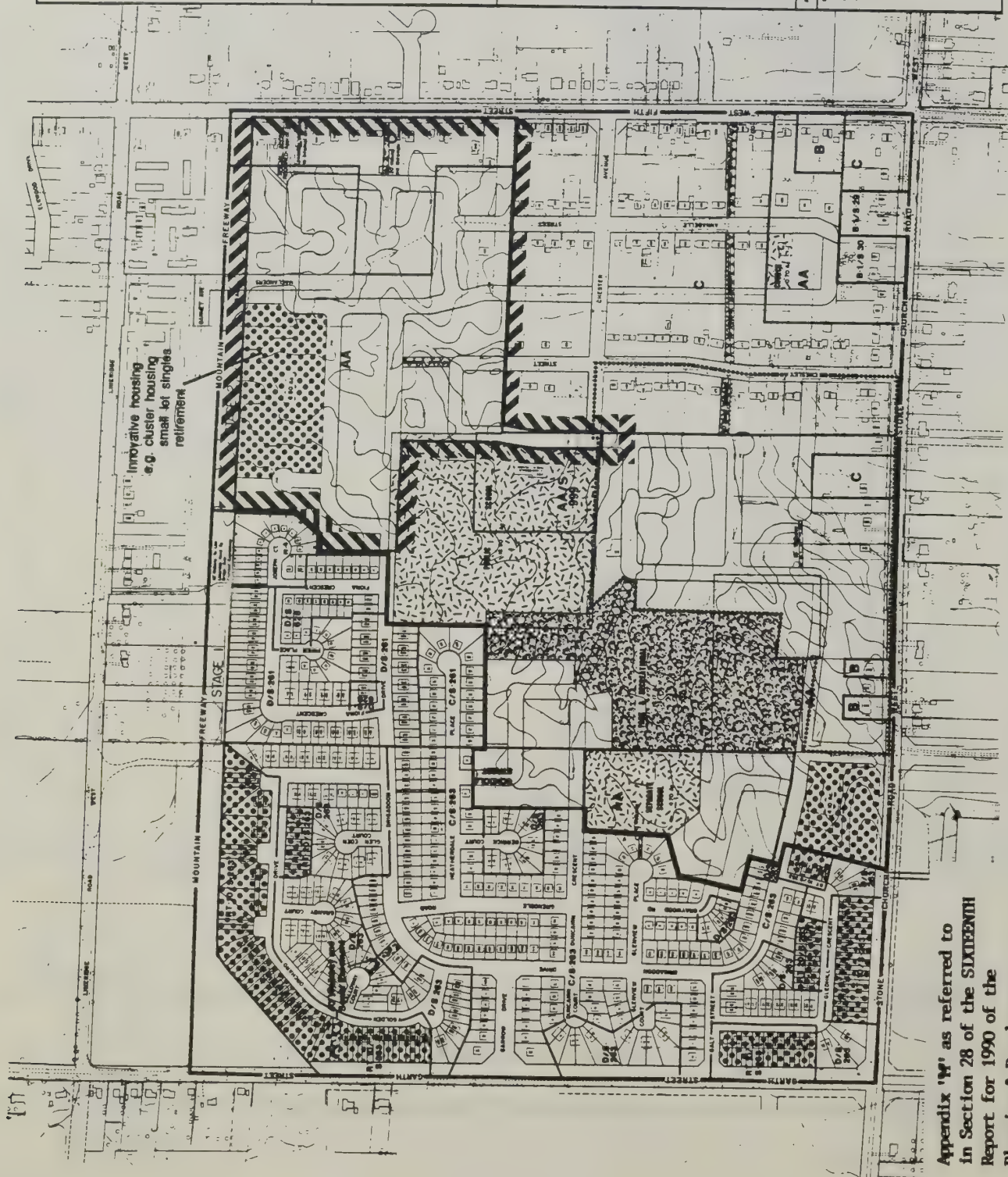
GOURLEY

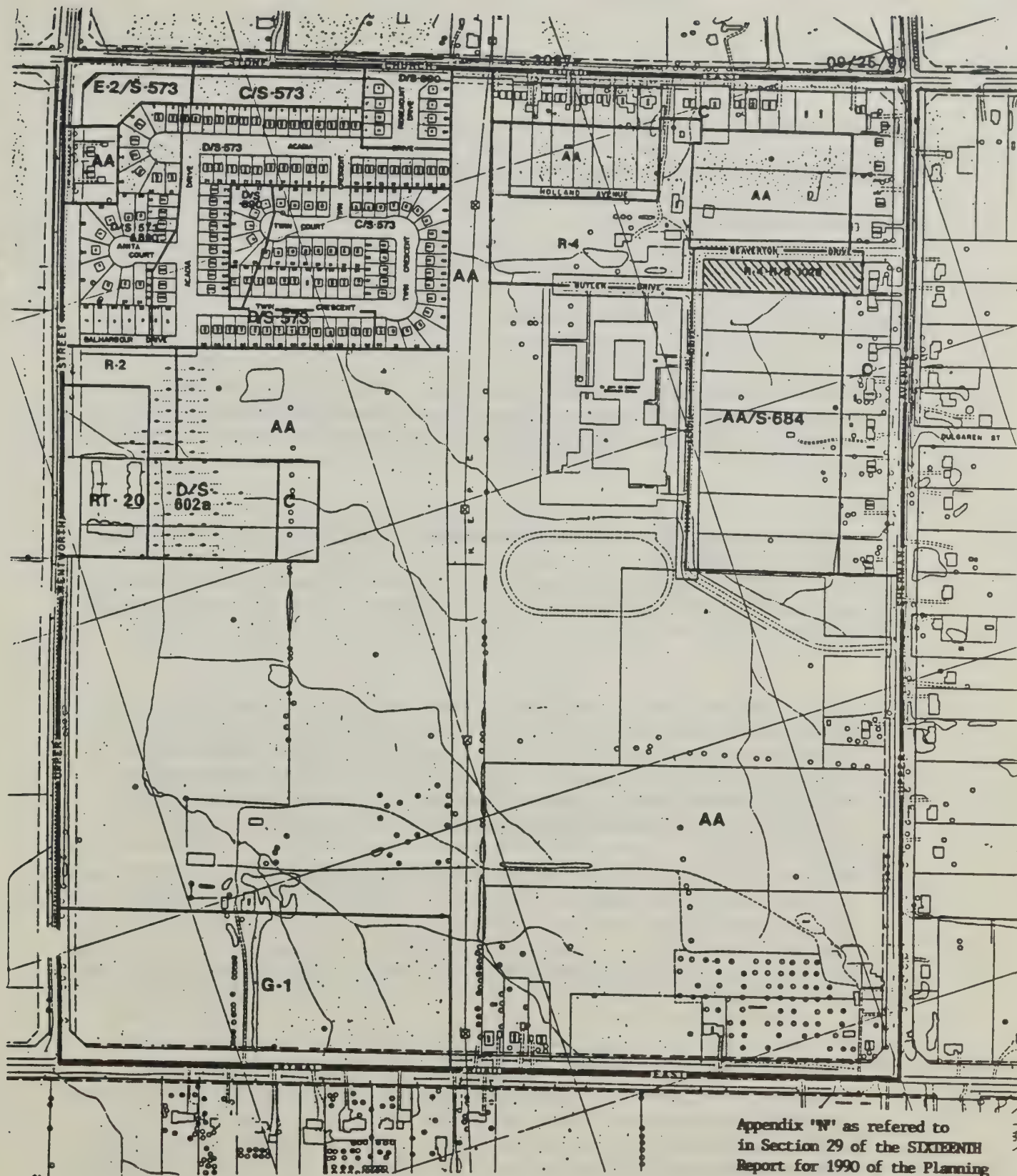
APPROVED PLAN

MAP 1

////// SUBJECT AREA

Appendix 'W' as referred to
in Section 28 of the SIXTEENTH
Report for 1990 of the
Planning & Development
Committee.





Appendix 'N' as referred to
in Section 29 of the SIXTEENTH
Report for 1990 of the Planning
& Development Committee.

LEGEND.



SITE OF THE APPLICATION.

		 NORTH
PLANNING UNIT NO. 7506	2A 90-69	
		PAGE NO. 19

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SECOND** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Ontario Restoration Ltd., Brantford, in the amount of \$10 490 for masonry repairs at the Balfour Estate Carriage House in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

2. That a purchase order be issued to Schreiber Brothers Ltd., Hamilton, in the amount of \$43 785, which is the lowest of four (4) tenders received, to provide all labour and materials necessary to Reroof the Rink Section at Parkdale Recreation Centre, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Major Maintenance to Civic Buildings Account No. CF5255 319041003.

NOTE: As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

3. That a purchase order be issued to Enex Door Automation Inc., Concord, in the amount of \$24 933, which is the lowest of three (3) quotations received, to supply and install new automatic door equipment at City Hall, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from City Hall, Front Entrance Door Account No. CH57413 31102.

4. That a purchase order be issued to Robert Slessor Pontiac Buick Inc., Grimsby, in the amount of \$79 154.85, which is the lowest of two (2) tenders received, for the replacement of three Dual Purpose 4X4 Vehicles, units #1667/77/78 for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Vehicle Replacement Account No. CH5X502 00101.
5. That a purchase order be issued to Johnston Motor Sales Co. Limited, Hamilton, in the amount of \$16 965.72, which is the lowest of five (5) tenders received, for the replacement of one Full Size Van Style Truck, Unit #1675 for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Vehicle Replacement Account No. CH5X502 00101.
6. That a purchase order be issued to Robert Slessor Pontiac Buick, Grimsby, in the amount of \$21 740, which is the lowest of three (3) tenders received, for the replacement of one (1) One Ton Pickup Truck, Unit #9011, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.
7. That a purchase order be issued to Carter G.M. Trucks, Hamilton, in the amount of \$678 163.20, which is the lowest of three (3) tenders received, for the replacement of eight (8) 25 000 lb. Dump Plow Sanders, Units #9648/71/9/9202/4/9649/75/43, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101 (\$667 163.20) and Operating Supplies Account No. CH56013 60214 (\$11 000).
8. That a purchase order be issued to Robert Slessor Pontiac Buick Inc., Grimsby, in the amount of \$18 979.92, which is the lowest of three (3) tenders received, for the purchase of one (1) 1991 Mini Cargo Van for the Traffic Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

9. That a purchase order be issued to Embree Sign Systems, Hamilton, in the amount of \$12 026, which is the lowest of two (2) tenders received, to supply and install a Skylight Sign in the Farmers' Market/Hamilton Public Library Complex, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Skylight Renovation Account No. CH57361 31310.
10. That the Aerial Bucket Vehicle #9005 be retained as a spare vehicle, rather than trading in the vehicle (estimated value of between \$5 000 to \$8 000), to minimize the loss of available manpower when other vehicles of this type are off the road being serviced.
11. That permission be granted to the United Way Committee to use the City Hall forecourt, in the event that inclement weather prevents the use of Commonwealth Square, on Thursday, 1990 September 27 from approximately 12:00 o'clock noon to 2:00 p.m. for a Fundraising Barbecue.
12. That permission be granted to Cable 14 TV Hamilton to use the Council Chamber from 5:00 p.m. until 10:00 p.m. on Thursday, 1990 November 08 to host All Candidates Debates for the upcoming Ward Four and Ward Six By-Elections.
13. That the Manager, Property Maintenance Division be authorized and directed to erect a reviewing stand and all other pertinencies on the south side of Main Street (on the sidewalk in front of the Canadian Football Hall of Fame) on Sunday, 1990 October 28 on the occasion of the 62nd R.H.L.I. Cadet Corps Freedom of the City Celebration.
14. (a) That, as referred to in Section 6 of the Twelfth Report of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct independent concrete sidewalks on the west side of Centennial Parkway between Delawana Drive and Barton Street at an estimated cost of owner's share of \$41 391, as well as City's share of \$19 087, by the issuance of debentures totalling \$60 478 for a period not to exceed 20 years.

(b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$60 478 for a term not to exceed 20 years for the above project.

15. That the Appointments To and Terminations from Permanent positions with the Corporation to September 11, 1990, attached hereto and marked Appendix "A", be approved.
16. That the Strategic Plan Task Force be comprised of the following members of City Council: Mayor R. M. Morrow, Alderman T. Cooke, Alderman M. Kiss, Alderman B. Hinkley, Alderman D. Agostino, and the following members of the Management Team: Mr. R. Sugden, Director of Culture and Recreation, Mr. J. G. Hindson, Director of Information Systems, Mr. P. Baker, General Manager of The Parking Authority, Ms. P. Noé Johnson, City Solicitor, and Mr. A. Georgieff, Director of Local Planning.

NOTE: At its meeting held 1990 July 31 City Council, on the recommendation of the Finance and Administration Committee, approved of the establishment of a Strategic Plan Task Force to review the actions of the original Strategic Plan and to prepare a Terms of Reference for the development of a new Strategic Plan outlining a plan of action and budget.

17. (a) That \$45 129 of the \$281 900 contained in the 1990 Capital Budget for Hamilton SPCA projects be approved and paid to the Hamilton SPCA for the City's portion of 1990 capital funding and that the balance of \$236,771 designated for the eventual replacement of the Hamilton SPCA headquarters be set aside in a "Reserve for Hamilton SPCA Capital Projects";

(b) That the total amount of \$281 900 be financed from the Reserve for Capital Projects, Centre #00203.
18. That, as referred to in Section 4 of the Twelfth Report of the Transport and Environment Committee, the overexpenditure of \$106 957 in the Public Works Centre #60428 "Storm Damage" account be financed by means of an approved overdraft in the account, and that a further review of the accounts within the Public Works function be performed near year end with a view to proposing a more specific financing recommendation.
19. That, as referred to in Section 6 of the Seventeenth Report of the Parks and Recreation Committee, the estimated cost of \$1 000 for hosting costs in connection with the participation by the Culture and Recreation Department in the 1991 Fit Trek programme be charged to "Special Receptions and Delegation Hosting" Account No. CH 55314 84010.

20. (a) That the gross cost of the 1990 capital project "Playground Equipment" be increased by \$75 000, from \$100 000 to \$175 000 for 1990, and that this increased amount be financed from the "5% Parks Fund" account (Centre 00201).
- (b) That the Armstrong Park integrated playstructure as approved by City Council 1990 August 28 for \$10 000, and the two integrated playstructures at Highview and Steeles Parks at \$10 000 each as referred to in Section 7 of the Seventeenth Report of the Parks and Recreation Committee, be charged against the "Playground Equipment" capital project.
- * 21. (a) That David M. Griffith & Associates Ltd., Professional Services to the Public Section, be awarded the contract for the development of a "User Fee" study to commence 1990 October 1 and to be completed 1991 January 15, based on a proposal submitted by them, at a firm quotation in the total amount of \$100 000 (Canadian) to be completed by 1991 January 15;
- (b) That the \$100 000 required for the consultant fees be financed from the excess appropriation provided for the Pay Equity Account CH 54117 23001.
22. (a) That the overpayment of the Wintario Capital Grant (CS-1196-76) to the Hamilton Tennis Club in the amount of \$16 667 be paid by the City of Hamilton to the Ministry of Tourism and Recreation;
- (b) That the Hamilton Tennis Club contribute to the City an amount equal to 50% of the overpayment or \$8 333.50;
- (c) That the City's portion of the overpayment (50%) be charged to Account No. RF 4X003 00203 and be recoverable from the Hamilton Tennis Club at the time of commencement of construction of a new clubhouse facility.

NOTE: Payment by the City of the \$16 667 does not acknowledge liability for the grant overpayment by the City, nor commit the City to construction of a new clubhouse at Hamilton Tennis Club but rather removes the default with the Ministry of Tourism and Recreation so that our 1991/1992 Capital Grant applications will not be impeded.

* *Section 21 lost*
Recorded vote, see page

- * 23. (a) That permission be granted to the Women's Centre of Hamilton-Wentworth as represented by its sub-committee, "End the Violence Montreal Massacre Memorial Committee" to place a rock mounted plaque within an existing floral display upon the grounds of City Hall, at a location slightly west of the north-west corner of the building in accordance with the Policy to Govern and Regulate the Installation of Commemorative Plaques, Memorials, Monuments, Time Capsules and Trees upon City Hall Grounds adopted by City Council 1988 September 27.

- (b) That approval be given to the following wording to be contained on the plaque:

"End the Violence in memory of the women murdered in Montreal December 6, 1989 and in memory of all women who have been victims of violence."

End the Violence Montreal Massacre Memorial Committee,
December 6, 1990.

- (c) That the City Solicitor be directed to prepare an agreement between the City and the Women's Centre covering the proposal.

- ** 24. (a) That the Council of the Corporation of the City of Hamilton maintain and develop people to people and city to city linkages furthering mutual understanding and dialogue with the People's Republic of China and that official delegations and exchanges with our twin City of Ma'anshan continue and that the resolution of City Council of 1989 November 14 suspending official delegation exchanges and imposing a suspension be rescinded.

- (b) That, as recommended by the Hamilton Mundialization Committee, the Council of the Corporation of the City of Hamilton officially recognize the delegation from Ma'anshan arriving in September 1990.

- (c) That a copy of this resolution be forwarded to the Federation of Canadian Municipalities for their information.

* *Recorded vote, see page*

** *Recorded vote, see page*

NOTE: At its meeting of 1989 June 27, City Council agreed that the planned visit of a Chinese delegation from Ma'anshan, China, which was scheduled to take place in October 1989 be suspended and further that a review of the twinning between the City of Hamilton and Ma'anshan, China be undertaken in consultation with the Mundialization Committee and the Hamilton Chinese Community. Meetings were held with members of the Hamilton Mundialization Committee and representatives of the Hamilton Chinese Community and as a result, suspension of twin city relationships with Ma'anshan, China was implemented and in effect to this date.

The above resolution renewing relationships is consistent with the Canadian Federal Government's formal policy towards China, the Federation of Canadian Municipalities, and other major Canadian cities.

Attached hereto as Appendix "B" is a copy of the Hamilton Mundialization Committee's report dated 1990 September 13 containing recommendations from their meeting held 1990 September 12.

25. (a) That a grant in the amount of \$50 000 be made to the 91st Highlanders Athletic Association to be used to assist in defraying expenses to be incurred in staging the 1991 Hamilton Spectator Indoor Games to be held at Copps Coliseum 1991 January 10 and 11.
- (b) That this grant be financed from the 1991 Grant Budget Allocation.
26. (a) That the City of Hamilton host a civic reception at the Hamilton Convention Centre on the occasion of the Fifteenth Anniversary of the Twinning with Fukuyama, Japan, for Mayor Makimoto's delegation, members of City Council, and representatives of the Mundialization Committee, Japanese Culture Centre, and other community leaders, at a cost not to exceed \$8 000.
- (b) That the cost to host this reception be financed from the Unclassified Account.
27. (a) That the City of Hamilton host a civic reception at a cost not to exceed \$9 000 for the Canadian Football League Board of Directors, media and local officials in connection with the CFL Draft, which will be held in the City of Hamilton on Friday, 1991 February 15.
- (b) That the cost to host this reception be provided for in the Special Civic Reception and Delegation Hostings 1991 Budget Account No. CH55314 84010.

- *28. (a) That Licensing By-law No. 79-323, as amended, be further amended to provide for rooftop advertising on taxi cabs.
- (b) That the City Solicitor be authorized and directed to prepare a By-law to amend Licensing By-law No. 79-323 for submission to City Council to reflect this provision for rooftop advertising.
29. That the letter seeking financial support, dated 1990 July 10, from the Director of Fund Raising for the Samaritan Place - "The Living Memorial" honouring the Soldiers of the 101st Airborne Division who lost their lives in the tragic Arrow Air Disaster 1985 December 12, which was referred to the Finance and Administration Committee by City Council at its meeting held 1990 August 28 for consideration, be received.
30. That, with respect to City of Hamilton -ats- Peace/Huntington Park Tennis Club, the City of Hamilton consent to the dismissal of Ontario Court of Justice (General Division) Action No. 13897/89, without costs.
31. (a) That the City of Hamilton offer to settle District Court of Ontario Action No. 11966/88 by the payment of \$7 392.75 inclusive of pre-judgment interest, legal costs and disbursements to the Plaintiff, Margaret Rose Poyton.
- (b) That the Plaintiff, Margaret Rose Poyton, be required to provide a Full and Final Release to the City of Hamilton in a form satisfactory to the City Solicitor and that District Court of Ontario Action No. 11966/88 be dismissed as against the City of Hamilton.
32. That, with respect to City of Hamilton and Ferguson -v- Walsh and Brown Boggs Foundry and Machine Company Limited, the City consent to the dismissal of Ontario Court of Justice (General Division) Action No. 10850/88, and counter-claim, without costs.
33. (a) That, with respect to City of Hamilton -ats- Rizzotto, the Corporation of the City of Hamilton consent to an Order dismissing this action and all counterclaims by and against the Defendant, Sheila Copps, on a without costs basis.
- (b) That the City of Hamilton offer to settle this matter by the payment of \$3 000 to the Plaintiffs, Carmen Rizzotto and Vicki Rizzotto, in the following terms:

* Recorded vote, see page

- (i) That the Defendant, The Corporation of the City of Hamilton, pay to the Plaintiffs, Carmen Rizzotto and Vicki Rizzotto, the sum of \$3 000 inclusive of all damages, prejudgment interest, legal costs and disbursements.
 - (ii) That this action be dismissed together with all counterclaims by and against The Corporation of the City of Hamilton.
 - (iii) That if this Offer to Settle is accepted within thirty days of its date there shall be no Order as to costs.
 - (iv) That if this Offer to Settle is accepted after thirty days from its date that the Defendant, The Corporation of the City of Hamilton, shall be entitled to receive its party/party costs from the date of the Offer forward to be agreed or assessed.
 - (v) That this Offer remain open for acceptance until withdrawn or until the commencement of Trial, whichever first occurs.
34. That, with respect to City of Hamilton -ats- Lillian Peppard, the City of Hamilton offer to settle this matter by the payment of \$2 500 to the Plaintiff, Lillian Peppard, on the following basis:
- (i) The City of Hamilton pay to the Plaintiff, Lillian Peppard, the sum of \$2 500 inclusive of all damages, interests, costs and disbursements.
 - (ii) That the action and all crossclaims by and against the Corporation of the City of Hamilton be dismissed.
 - (iii) That if this Offer is accepted within thirty days of its date there shall be no Order as to costs.
 - (iv) That if this Offer is accepted after thirty days from its date The Corporation of the City of Hamilton shall be entitled to be paid its party/party costs to be agreed or assessed.
 - (v) That this Offer remain open for acceptance until withdrawn or the commencement of trial whichever first occurs.
35. (a) That the City of Hamilton offer to settle Ontario Court of Justice (General Division) Action No. 12700/88 by the payment of \$6 229.44 inclusive of prejudgment interest, legal costs and disbursements to the Plaintiffs, Dale Fazekas and Andrew Fazekas.

- (b) That the Plaintiffs, Dale Fazekas and Andrew Fazekas, be required to sign a Full and Final Release to the City of Hamilton in the form satisfactory to the City Solicitor and that Ontario Court of Justice (General Division) Action No. 12700/88 be dismissed as against the City of Hamilton.
- 36. That the City Solicitor be authorized and directed to prepare a by-law to amend By-law No. 89-30 respecting membership on the City of Hamilton Licensing Committee for submission to City Council.
- 37. That leave be granted to introduce the following Bills:
 - (a) Bill H-107 A By-law to Authorize the Crown Point West/Stipeley Phase II P.R.I.D.E. Program.
 - (b) Bill H-108 A By-law to Amend By-law No. 78-224 Respecting Membership in the City of Hamilton Licensing Committee for the Term Ending November 30, 1991.
 - (c) Bill H-109 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1990 September 20

09/25/90

THE CORPORATION OF THE CITY OF HAMILTON
 APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Ms. Christina Curto	Receipts Clerk II (P-A2)	Parking Authority	Replacing Ms. K. Griffin - resigned	\$21,065.72 to \$22,757.80	\$21,065.72 per annum (1 of 2)	27/08/90
Mr. Blanchard	Stenographer II (E-4)	Public Works (Parks Division)	New Position - Approved 1990 Budget	\$23,120.24 to \$24,780.06	\$23,120.24 per annum (1 of 3)	20/08/90
Ms. Donna Dengie	Administrative Assistant II (O)	City Clerks (Aldermen's Division)	Replacing Ms. R. D'Ortenzio - resigned	\$30,526.60 to \$35,877.92	\$30,526.60 per annum (1 of 5)	07/08/90
Ms. Gayle Hamilton	Aquatic Supervisor (N-2)	Culture & Recreation	Replacing Ms. D. Burns - resigned	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	30/07/90
Ms. Marsha Josling	Automotive Parts Clerk (O-4A)	Public Works (Fleet Services Division)	New Position - Approved by City Council June 18, 1990	\$27,524.64 to \$33,186.40	\$30,194.84 per annum (3 of 5)	27/08/90
Mr. Charles McNeil	Caretaker (B-2)	Property Maintenance (Division of Property Department)	Replacing Mr. P. Baker - transferred	\$23,356.84 to \$25,195.56	\$25,195.56 per annum (2 of 2)	20/08/90
Ms. Marianne Morgan	Lifeguard II (CH-4)	Culture & Recreation	Replacing Ms. K. Goodwin - promoted	\$20,505.16 to \$22,129.12	\$22,129.12 per annum (3 of 3)	27/08/90

Prepared 11/09/90

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. James Pearson	Operator 11-Street Sweeper Operator (D-9)	Public Works	Replacing Mr. T. Brillinger -promoted	\$28,941.12 to \$29,357.12	\$28,941.12 per annum (1 of 2)	13/08/90
Ms. Frances Short	Stenographer IV (E-2)	City Clerk	Replacing Ms S. Parry -promoted	\$19,756.36 to \$21,283.60	\$19,756.36 per annum (1 of 3)	27/08/90

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Frank Bernt	Development Superintendent (Parks)	Public Works	Retired	33 years, 11 months	31/08/89
Mr. George Colbourne	Lieutenant	Fire	Retired	31 years, 1 month	17/08/90
Mr. Douglas Eves	Street Sweeper Operator	Public Works	Resigned	3 years, 2 months	24/08/90
Mr. James Finlay	Building Inspector	Building	Resigned	4 years, 5 months	04/09/90
Ms. Kelly Griffin	Receipts Clerk II	Parking Authority	Resigned	1 year, 6 months	17/08/90
Mr. Giosuele Schinella	Concrete Finisher (Districts)	Public Works	Retired	22 years, 4 months	16/08/90
Mr. Walter Selzer	Project Manager	Property	Retired	28 years, 1 month	31/08/90

Prepared 11/09/90

SEP 14 1990

September 13, 1990

MEMO TO: Mr. John Thompson, Secretary
Finance and Administration Committee

FROM: Ms. Carolann Fernandes, President
Hamilton Mundialization Committee

RE: REVIEW OF TWINNING WITH MA'ANSHAN, CHINA

On Wednesday, September 12, the Hamilton Mundialization Committee along with representatives of the Hamilton Chinese community met to review our twinning with Ma'anshan in the People's Republic of China. Thirty people were in attendance, and the following resolutions were passed by the Committee with one abstention and one vote of opposition:

1. The Hamilton Mundialization Committee after a long discussion and in consultation with representatives of the Hamilton Chinese community jointly recommended that the Council of the Corporation of the City of Hamilton maintain and develop people to people and city to city linkages furthering mutual understanding and dialogue with the people of China and that official delegations and exchanges with our twin city of Ma'Anshan continue, and further that the resolution of City Council of November 14, 1989, suspending official delegation exchanges, be rescinded.
2. The Hamilton Mundialization Committee recommends that the Council of the Corporation of the City of Hamilton officially recognize the delegation from Ma'Anshan arriving in September, 1990.

URBAN/MUNICIPAL

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M21 1990

TING OF HAMILTON CITY COUNCIL
TUESDAY, OCTOBER 9, 1990
7.30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Copps, Agostino,
Lombardo, Jackson, Merling, Gallagher, Ross, Murray.

ABSENT: Alderman Kiss (Vacation)

His Worship Mayor Robert M. Morrow called the meeting to order.

Reverend Csaba Baksa, John Calvin Hungarian Presbyterian Church, led the Council in prayer.

The following presentations were made:

- (a) Mayor's Award of Merit - Mr. John Burns
- (b) Box 43 Association - Mr. Gerry Hourigan
- Mr. Albert Cooke
- Mr. Glen Crawford
- (c) Civic Award - Provincial
Roller Skating Championship - Melissa Hemlow

His Worship Mayor Robert M. Morrow read the following Proclamations:

- (a) "TOOLS FOR PEACE DAYS" - October 9-November 15, 1990
- (b) "CANADIAN FOOTBALL HALL
OF FAME WEEK" - October 15-21, 1990

The Minutes of the meeting of September 25, 1990, were taken as read and approved.

* * * * *

The following communications were received:

1. Application dated October 4, 1990, from Britannia Decorating and Painting Limited, 179 Stone Church Road West, Hamilton, Ontario, for a change in zoning of property located at 179 Stone Church Road West.

Received.

2. Application dated October 4, 1990, from Frederick and Gwynette Seymour, 60 West Avenue South, Hamilton, Ontario, for a modification to the zoning of property located at 70 West Avenue South.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman McCulloch that Council move into Committee of the Whole to consider the following Reports, with Alderman Agro in the chair.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 14.

NAYS: 0 - CARRIED.

* * * * *

10/09/90

(A) TRANSPORT AND ENVIRONMENT COMMITTEE - THIRTEENTH REPORT.

Section 11. Re: Promotional Banner for "Canadian Dairy Cycling Challenge".

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 13.

NAYS: Alderman Copps. - 1. CARRIED.

* * * * *

(B) PARKS AND RECREATION COMMITTEE - EIGHTEENTH REPORT.

It was moved by Alderman Murray and seconded by Alderman Ross.

RESOLVED: That Rule 8 of the Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to consider a matter respecting the proposed amalgamated Fire Station at Macassa Park, Upper Sherman Avenue. -

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Agostino, Lombardo, Merling, Ross, Murray. - 11.

NAYS: Aldermen Copps, Jackson, Gallagher. - 3. CARRIED.

* * * * *

It was moved by Alderman Murray and seconded by Alderman Ross.

RESOLVED: That the following resolution be added as Item 6 of the EIGHTEENTH Report of the Parks and Recreation Committee for 1990.

6. (a) That approval be given to locate the proposed Fire Station combining the Wentworth and Mohawk Station and the Upper Gage and Queensdale Station in the north-west corner of Macassa Park on Upper Sherman Avenue.

- (b) That the Public Works Department, in conjunction with the Fire Department, host a public information meeting to outline the proposal, prior to project implementation, in the Macassa neighbourhood.
- (c) That the \$800,000. in funds available for the acquisition of land for the fire station be transferred to the 5% Park Dedication Fund to compensate for costs associated with the use of Macassa Park as the fire station site and that a portion of these funds be used to develop a proper soccer facility on the Hamilton Mountain.
- (d) That approval be given to cancel the contract awarded to Dufferin Construction Limited for the construction of a "park user" parking lot, at a cost of of \$12,000. penalty payment to Dufferin, and that the funds approved for the 1990 implementation of this parking lot be held over to coincide with the construction of the fire station. -

YEAS: Aldermen Hinkley, Drury, Lombardo, Merling, Ross, Murray. - 6.

NAYS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Copps, Agostino, Jackson, Gallagher. - 8. LOST.

(C) PLANNING AND DEVELOPMENT COMMITTEE - SEVENTEENTH REPORT.

Section 6.

Re: Zoning Application 90-57 - Property Located at 25 Hester Street.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Agro, McCulloch, Hinkley, Drury, Agostino, Lombardo, Jackson, Merling, Ross, Murray. - 11.

NAYS: Alderman Copps. - 1. CARRIED.

10/09/90

Sections 11 and 12.

Re: Zoning Applications 88-124 and 90-31 - Property Located at 694, 696 and 710 Upper James Street.

It was moved by Alderman Ross and seconded by Alderman Murray.

RESOLVED: That Sections 11 and 12 of the SEVENTEENTH Report of the Planning and Development Committee be amended by deleting the words "DENIED for the following reasons", and substituting in lieu thereof the word "APPROVED" and, further, by deleting Subsections (a), (b) and (c) and inserting in lieu thereof the following:

- (a) That an Official Plan Amendment be processed to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL" and to create a Special Policy Area for limited commercial uses.
- (b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
- (c) That the "H" (Community Shopping and Commercial, etc.) District regulations be modified to include limited commercial uses within the existing building in accordance with uses set out in the "Upper James Land Use Review".
- (d) That Schedule "A" to Site Plan Control By-law 79-275, as amended by By-law 87-223, be amended by adding the subject lands thereto. -

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Agostino, Lombardo, Jackson, Ross, Murray. - 9.

NAYS: Aldermen McCulloch, Drury, Copps, Merling, Gallagher.
5. - CARRIED.

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Section 13.

Re: Demolition of Units at 266-280 King
Street East.

It was moved by Alderman Lombardo and seconded by Alderman McCulloch.

RESOLVED: That Section 13 of the SEVENTEENTH Report of the Planning and Development Committee be referred back. - CARRIED.

* * * * *

It was moved by Alderman Ross and seconded by Alderman Gallagher.

RESOLVED: That Rule No. 8 of the Procedural By-law No. 80-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the definition of "Family" in the Zoning By-law. - CARRIED.

* * * * *

It was moved by Alderman Ross and seconded by Alderman Gallagher.

RESOLVED: That the following be added as Section 15 of the SEVENTEENTH Report of the Planning and Development Committee.

15. That the Province be requested to amend the Planning Act to permit municipalities to establish a definition of "Family" in their respective Zoning By-laws that meet their Community needs.

* * * * *

It was moved by Alderman Lombardo and seconded by Alderman Agostino.

RESOLVED: That the resolution moved by Alderman Ross in connection with Section 15 of the SEVENTEENTH Report of the Planning and Development Committee respecting an amendment to the Planning Act relative to the definition of "Family", be referred to the Planning and Development Committee. -

YEAS: Mayor Morrow; Aldermen Agro, Hinkley, Drury, Copps, Agostino, Lombardo. - 7.

NAYS: Aldermen Cooke, Jackson, Gallagher, Ross. - 4.
CARRIED.

(E) CITY OF HAMILTON LICENSING COMMITTEE - SIXTH REPORT.

(F) FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-THIRD REPORT.

Section 6.

Re: Canadian Abortion Rights Action
League - Use of City Hall Facilities.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Agostino, Lombardo, Gallagher, Ross. - 10.

NAYS: Alderman Jackson. - 1. CARRIED.

Section 8.**Re: Ontario Recreation Society Conference
Civic Luncheon.****Recorded Vote.****YEAS:** Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury,
Agostino, Lombardo, Jackson, Gallagher. - 9.**NAYS:** Alderman Copps. - 1. **CARRIED.**

* * * * *

Section 20.**Re: Ontario Non-Profit Housing
Association Conference - Civic
Hospitality.****Recorded Vote.****YEAS:** Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury,
Agostino, Lombardo, Merling, Gallagher, Ross, Murray. -
11.**NAYS:** Alderman Copps. - 1. **CARRIED.**

* * * * *

Alderman Hinkley declared personal interest in, took no part in the
debate and refrained from voting on Section 20. Mrs. Hinkley's
Company is Conference Co-Ordinator for this Association.

* * * * *

Section 22.**Re: Ontario Music Educators Association
Inc. - Request for Grant.****Recorded Vote.****YEAS:** Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury,
Agostino, Lombardo, Merling, Gallagher, Ross, Murray. -
11.**NAYS:** Alderman Copps. - 1. **CARRIED.**

Section 27.

Subsection (c).

Re: Hamilton Harbour Commission.

It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED:That Subsection (c) of Section 27 of the TWENTY-THIRD Report of the Finance and Administration Committee be amended by adding the following, after the word "M.P.'s" in the last line:

"and that all local M.P.'s, including Shirley Martin, Geoff Scott, and Bill Kempling, be invited to meet with City Council to discuss matters relating to Hamilton Harbour."

CARRIED.

It was moved by Alderman Cooke and seconded by Alderman McCulloch.

RESOLVED:that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: 0 - **CARRIED.**

NOTICE OF MOTION

Alderman J. Gallagher gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED:That staff be directed to prepare the 1991 budget estimates on the basis of a zero percent increase over the 1990 estimates for the City of Hamilton.

It was moved by Alderman Cooke and seconded by Alderman McCulloch.

RESOLVED: That the following Bills be now read a first time:

A-127, A-128,
C-139, C-140, C-141, C-142, C-143, C-144,
H-110.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke, seconded by Alderman McCulloch, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Agro in the chair.

A-127, A-128,
C-139, C-140, C-141, C-142, C-143, C-144,
H-110.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

Consideration of the Bills (second reading).

It was moved by Alderman Cooke and seconded by Alderman McCulloch.

RESOLVED: That the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman McCulloch.

RESOLVED:that the following Bills be now read a third time:

A-127, A-128,
C-139, C-140, C-141, C-142, C-143, C-144,
H-110.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, Hinkley, Drury, Copps, Agostino,
Lombardo, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

* * * * *

City Council adjourned at 10.20 o'clock, p.m.

* * * * *

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **THIRTEENTH** Report for 1990 and respectfully recommends:

1. (a) That the City approve the installation by the Subdivider, Cochren Construction Company Ltd., of a catch basin on the road allowance of Cherryridge Close, near the northwest corner of Lot 5, Plan 62M-494, municipally known as 142 Cherryridge Close, such catch basin to be connected to the adjacent storm sewer. Such approval being subject to the usual application and permit process for projects of this type.
- (b) That the Subdivider, Cochren Construction Company Ltd., be required to comply with the intent of the grading plan by constructing the necessary swale, in accordance with the recommendations of the Subdivider's Engineer, along the boundary of Lots 4 and 5, Plan 62M-494, directed toward the catch basin to be installed on the road allowance.
2. (a) That the Commissioner of Engineering be directed to prepare a By-law for the Stopping up, closing and sale of the portion of Eleanor Avenue from north of the 120 foot limit of Rymal Road East to Alma Avenue.
- (b) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1980.
- (c) That the Director of Property be directed to proceed with the disposition of the said lands to the abutting owners.
- (d) That the Commissioner of Engineering register a reference plan under the Registry Act, to delineate the manner in which the closed road is to be distributed to the abutting owners.
- (e) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 48 of the Regional Act; and
- (f) That the City Solicitor make application to the Ministry of Housing under Section 298 (11) of the Municipal Act for approval of the By-law.

3. That the local Approvals Branch of the Ministry of the Environment (M.O.E.) be informed that:
 - (a) The City of Hamilton concurs with the Ministry's opinion that the Philip Environmental Corporation proposal does not require a hearing by the Environmental Assessment Board;
 - (b) The City of Hamilton does not object to the proponent developing and establishing a solid waste processing facility provided that the proposed activities comply fully with all City and Regional By-laws and regulations normally associated with the type of activities being proposed.
4. That the local Approvals Branch of the Ministry of the Environment (M.O.E.) be informed that:
 - (a) The City of Hamilton has no objection to Hotz and Sons Company Inc. establishing a transfer station for asbestos waste at 30 Landsdowne Avenue in Hamilton provided that all environmental safeguards are implemented to the satisfaction of the Ministry and that all applicable City of Hamilton and Regional By-laws are complied with fully.
 - (b) The City of Hamilton concurs with the MOE position that a hearing by the Environmental Assessment Board is not required.
5. That the local Approvals Branch of the Ministry of the Environment (M.O.E.) be informed that:
 - (a) The City of Hamilton has no objection to Hamilton-Wentworth Third Sector Employment Enterprises receiving a Certificate of Approval from the MOE for the continued operation of their resource recovery operation at 77 Niagara Street in Hamilton provided that all environmental safeguards are implemented to the satisfaction of the Ministry and that all applicable City of Hamilton and Regional By-laws are complied with fully;
 - (b) The City of Hamilton concurs with the MOE position that a hearing by the Environmental Assessment Board is not required.

6.
 - (a) That Item 26 (b) of the 16th Report of the Transport and Environment Committee adopted by City Council on September 30, 1986 for closure of the alleyway on the north side of King Street between Wellington and West Avenue be rescinded in its entirety due to objections received to the proposed alley closing.
 - (b) That Item 4 of the 5th Report of the Transport and Environment Committee adopted by City Council on March 8, 1988 for the sale of the east portion of the said alley to be closed to Trillium Funeral Services Corporation for the total amount of \$17 690 be rescinded in its entirety, and
 - (c) That the City Solicitor be authorized and directed to refund the deposit in the amount of \$1 800 received from the purchaser as this alley sale is being cancelled due to objections received to the proposed alley closing. This refund is to be charged to Account No. CH 4X501 00102 (Sale of Land, Property Purchases).
7.
 - (a) That an expansion of the appropriation for tree planting by \$10 000 from \$92 200 to \$102 200 be considered during the 1991 Current Budget deliberations to respond to the citizens' requests and increase the number of trees being planted annually from 920 to 1020 by the City along municipal road allowances.
 - (b) That both School Boards be requested to create an activity within their respective budgets to provide for trees on school board properties and to respond to teachers' requests for trees to be supplied, planted and maintained.
8. That the application of the Hamilton Harriers (RR #1 Canfield, Ontario, N0A 1C0) to temporarily close Jackson Street between James Street South and Hughson Street South on Sunday, October 28, 1990 from 9:30 a.m. to 12:30 p.m. to hold a road race, subject to the following conditions:
 - (a) That the applicant receive a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Policy Department, and at the expense of the organizing group;
 - (b) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, if deemed appropriate on the affected roadways, at the expense of the organizing group;

- (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the road, at no cost to the City;
 - (d) That the applicant provide proof of \$2 000 000 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the City harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss;
 - (e) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
 - (f) That no property owner or resident within the barricaded area be denied access to their property if requested.
 - (g) That all property owners and tenants along the closed portion of the street be notified of the event by the applicant at least four weeks prior to the event in a form acceptable to the Commissioner of Engineering be approved.
9. That the action of the Commissioner of Engineering be confirmed in authorizing the application of Douglas Srigley to temporarily close Mount Pleasant Drive between Pearson Drive and Templemead Drive on Saturday, September 15, 1990 from 6:00 p.m. to 11:00 p.m. to hold a street dance subject to the following conditions:
- (a) That the applicant receive a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Policy Department, and at the expense of the organizing group;
 - (b) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department, if deemed appropriate on the affected roadways, at the expense of the organizing group;
 - (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the road, at no cost to the City;
 - (d) That the applicant provide proof of \$2 000 000 public liability insurance, naming the City as an insured party with a provision for cross liability, and holding the City harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss;

- (e) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
 - (f) That no property owner or resident within the barricaded area be denied access to their property if requested.
 - (g) That all property owners and tenants along the closed portion of the street be notified of the event by the applicant at least four weeks prior to the event in a form acceptable to the Commissioner of Engineering be approved.
10. (a) That an increase in cost of \$20 000, from \$120 225 to \$140 225, be provided for the construction of independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue.
- (b) That the Finance and Administration Committee be requested to recommend the amount and source of funds to be provided for the increase in cost of this Capital Project.
- * 11. That the action of the Commissioner of Engineering be confirmed in authorizing the application of the "Canadian Dairy Cycling Challenge" to display a promotional banner across Main Street West in front of City Hall, from Thursday, September 27, to Saturday, September 29, 1990 with the following message:

START/FINISH CANADIAN CYCLING CHALLENGE

12. That approval be given to establish an extension to Annabelle Street by By-law and that staff be directed to take the required steps to implement the extension.
13. That the local Approvals Branch of the Ministry of the Environment (MOE) be informed that:
- (a) The City of Hamilton has no objection to PPM Canada Inc. carrying out PCB decontamination of 6 819 litres of PCB contaminated transformer oil for Laidlaw Waste Systems at 470 Kenora Avenue North in Hamilton provided that all environmental safeguards are implemented to the satisfaction of the Ministry and that all applicable City of Hamilton and Regional By-laws are complied with fully;

* Recorded vote, see page 3104

- (b) No specific City of Hamilton or Regional permits are required for the work proposed by PPM Canada Inc.;
 - (c) The 30 day notification period that is normally required after a Certificate of Approval is issued be waived so that the proposed work can be carried out as scheduled.
14. (a) That the request from the Ministry of Transportation of Ontario for Noise By-law 79-292 Exemption be granted to the Ministry of Transportation of Ontario.
- (b) That the Noise Control Officer for the City of Hamilton in conjunction with the Ministry of Transportation of Ontario, monitor and investigate all noise complaints that arise.
15. (a) That the Noise Control Officer together with an off duty police officer and cruiser respond to all noise complaints in connection with McMaster University Homecoming Weekend, October 18, 19 and 20, 1990 at a cost of approximately \$1 000.
- (b) That the Finance and Administration Committee recommend the method of financing this operation.
16. (a) That the Rosedale, Bartonville and Glenview West Neighbourhoods be designated as Neighbourhood Watch Areas; and
- (b) That the Neighbourhood Watch signs for the Rosedale, Bartonville and Glenview West Neighbourhoods be erected and maintained by the City Traffic Department as long as these neighbourhoods maintain an active Neighbourhood Watch Program as determined by the Regional Police Department; and
- (c) That the necessary funds be charged to Account No. 0345-0560 (Neighbourhood Watch Program).
17. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first three eligible applicants residing at No. 131 Robinson Street.

18. That the City Traffic By-law No. 89-72 be amended to provide the following:
- (a)
 - i. That a "Permit Parking" regulation be implemented on both sides of Colbourne Street between Park Street and Bay Street; and
 - ii. That the Director of Traffic Services be authorized to issue, upon request, one parking permit to each of the first 23 eligible applicants residing on Colbourne Street, on a first come, first served basis.
 - (b) That a "No Stopping, Wheelchair Loading" regulation be implemented on the west side of Caroline Street North commencing at a point 116 feet south of York Boulevard and extending to a point 40 feet southerly therefrom; and
 - (c)
 - i. That the existing "One Hour Time Limit" regulation on the south side of Monterey Avenue between Province Street South and Park Row South be replaced with a "Permit Parking" regulation; and
 - ii. That the Director of Traffic Services be authorized to initially issue one parking permit to the eligible applicants residing at No. 142 Province Street South and 157 Park Row South and two parking permits each to eligible applicants residing in No. 132 Province Street South and 161 Park Row South; and
 - iii. That in the future, if parking permits are available, the Director of Traffic Services be authorized to redistribute parking permits to other eligible applicants residing in the block, on a first come first served basis, provided that the maximum of eight permits is not exceeded.
 - (d)
 - i. That the existing "One Hour Parking Time Limit, 9:00 a.m. to 8:00 p.m., Monday to Friday" regulation on the west side of Columbia Drive which commences at Delmar Drive and extends to a point 52 feet south of the north end, be replaced with a "No Parking" regulation; and
 - ii. That a "No Parking" regulation be implemented on the north side of Delmar Drive commencing at Columbia Drive and extending to a point 133 feet westerly therefrom.
 - (e)
 - i. That a "No Stopping" regulation be implemented on the east side of Tragana Avenue North commencing at a point 264 feet north of Britannia Avenue and extending to a point 81 feet northerly therefrom; and

- ii. That a "No Stopping" regulation be implemented on the west side of Tragina Avenue North commencing at a point 262 feet north of Britannia Avenue extending to a point 61 feet northerly therefrom.
- (f) i. That the existing parking meters located on the south side of Myler Street between Sanford Avenue North and Westinghouse Avenue be removed and replaced with unrestricted parking; and
- ii. That the existing parking meters located on the east side of Westinghouse Avenue between Myler Street and Barton Street East be removed and replaced with unrestricted parking.
- (g) That a "No Stopping" corner clearance be implemented on the south side of Maplewood Avenue commencing at Cedar Avenue and extending to a point 39 feet westerly therefrom.
- (h) That the existing school bus loading zone on the north side of Limeridge Road East which commences at a point 21 feet west of the curb line of Leggett Crescent and extends to a point 40 feet westerly be extended such that regulation commences 21 feet west of the east curb line of Leggett Crescent and extends to a point 125 feet westerly therefrom.
- (i) That eastbound traffic on Pemberton Avenue be required to stop for northbound and southbound traffic on East 42nd Street.
- (j) That three-way stop control be implemented at the intersection of Acadia Drive and Ridgemount Drive.
- (k) That a four-way stop control be implemented at the intersection of South Bend Road West and West 2nd Street.
- (l) That a four-way stop control be implemented at the intersection of Bendamere Avenue and West 33rd Street.
- (m) That "No Stopping" be deleted at the south side of Inverness Avenue from 30 feet east of Upper Wellington Street to 30 feet west of East 11th Street and replaced with "No Parking".

19. That leave be granted to introduce the following Bills:

- (a) Bill A-127 A By-law to Amend By-law 89-72 to Regulate Traffic
- (b) Bill A-128 A By-law to Amend By-law 89-72 to Regulate Traffic.

RESPECTFULLY SUBMITTED,

Tina Agnello,
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1990 October 01

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **EIGHTEENTH** Report for 1990 and respectfully recommends:

1. (a) That approval be given to enter into a Lease Agreement with Mr. Alex Centurami and Mrs. Giuseppina Centurami, for a parcel of City owned land located at the rear of Municipal No. 108 Montmorency Drive. The land, containing 118.5 square metres (1,275 square feet), more or less, is being leased for the sum of \$1 plus taxes and is to be used for landscaping purposes only. The lease is to commence on the first day of the Month following City Council's approval.
- (b) That the Mayor and City Clerk be authorized to execute this Lease Agreement.
2. (a) That the Director of Culture and Recreation be authorized to prepare a letter of agreement with the local Tim Horton's Donut Franchise owners to replace the score clocks at Hamilton Municipal Arenas.
- (b) That the City Solicitor be authorized to prepare such a letter of agreement.

NOTE: The agreement will include permission for the advertisement panel to indicate the support provided by Tim Horton's.

3. (a) That Item 7 of the 7th Report of the Parks and Recreation Committee, adopted by City Council on 1989 March 14, establishing a Roxborough Senior Citizen Centre be amended to reflect the correct name of the Centre, "The Roxborough Centre - Senior Citizen's Centre", 785 Britannia Avenue, Hamilton, Ontario, L8H 2B6.
- (b) That the City Solicitor be authorized to repeal and replace By-law No. 89-267 to reflect the correct name of the Centre, "The Roxborough Centre - Senior Citizens Centre", (785 Britannia Avenue, Hamilton, Ontario, L8H 2B6).

4. (a) That the Corporation of the City of Hamilton sponsor a civic luncheon and a hospitality program at the Ontario Recreation Society Conference being held in Hamilton at the Convention Centre in February 1991 with costs not to exceed \$4 000.
- (b) That the Finance and Administration Committee be requested to recommend the method of financing this expenditure.
5. That a position of Communications Co-ordinator be approved within the existing staff compliment of the Department of Culture and Recreation, subject to classification by the Commissioner of Human Resources.

NOTE: Funding for the position will be within the operating Budget of the Department.

- * 6. (a) That approval be given to locate the proposed Fire Station combining the Wentworth and Mohawk Station and the Upper Gage and Queensdale Station in the north-west corner of Macassa Park on Upper Sherman Avenue.
- (b) That the Public Works Department in conjunction with the Fire Department host a public information meeting to outline the proposal, prior to project implementation, in the Macassa neighbourhood.
- (c) That the \$800 000 in funds available for the acquisition of land for the fire station, be transferred to the 5% Park Dedication Fund to compensate for costs associated with the use of Macassa Park as the fire station site and that a portion of these funds be used to develop a proper soccer facility on the Hamilton Mountain.
- (d) That approval be given to cancel the contract awarded to Dufferin Construction Limited for the construction of a "park user" parking lot, at a cost of \$12 000 penalty payment to Dufferin, and that the funds approved for the 1990 implementation of this parking lot be held over to coincide with the construction of the fire station.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 October 02

* Section 6 added during City Council
Section 6 lost, recorded vote, see page 3105

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its SEVENTEENTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 2553 Barton Street East
 - (b) 373 Sherman Avenue North
 - (c) 780 Main Street East

2.
 - (a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639, for presentation to City Council
 - (b) That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,
 - (c) That the by-law continue in force for a term not to exceed 1 year from the date of its registration.
 - (d) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639.
 - (e) That upon the fulfilment of the above conditions, and within 1 year of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

NOTE: The lands are located south of Rymal Road East and east of Upper Gage Avenue in the Broughton East Neighbourhood, City of Hamilton. The lands are part of Lillian Heights, a plan of subdivision which was registered in part as R.P. M-639.

3. (a) That a Heritage Conservation District Study and Plan for the area of Durand South which includes Markland Street (James Street South to Bay Street South), Chilton Place, and MacNab Street South (between Charlton Avenue West and Markland Street) be undertaken; and
- (b) That the Planning Department be directed to submit an application to the Ministry of Culture and Communication for a Heritage Conservation District Study; and,
- (c) That the Solicitor's Department be directed to prepare a by-law defining Durand South (Markland Street area) as an area to be examined for future designation as a heritage conservation district.

NOTE: A petition was submitted by the property owners to the Planning Department with 26 signatures requesting the Heritage Conservation District Study and Plan.

4. (a) That approval be given to the "Intent to Designate" the house at 988 Concession Street (originally known as Inkermann Cottage) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,
- (b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

NOTE: Designation of this property is at the request of the current owners.

5. (a) That approval be given to the "Intent to Designate" the house at 74 Charlton Avenue East as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and,
- (b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

NOTE: The lawyer for the St. Elizabeth Home Society has advised LACAC that his client has consented to designation.

- *6. That amended Zoning Application 90-57, A Robertson, applicant, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit only those facilities in existence as of 1990 June 6, for property located at 25 Hester Street, as shown on the attached map marked as appendix "C", be **DENIED** for the following reasons.
- (a) The Mountain Arena site is in an established urban area and currently provides recreational facilities to the West mountain area of the City. It is intended to provide active recreational facilities. In this respect, limiting the types of permitted uses is inappropriate given the nature, current functions, and intended use of the Mountain Arena site;
 - (b) The Zoning Application was submitted without the owner's (City) consent. Approval of a zoning application submitted by a person or persons for another landowner's property is an attempt to affect the proprietary rights of the owner of the land in question by altering the uses permitted as-of-right in the City's General Zoning By-law. In this regard, such a rezoning would impose a hardship on the lands in question and unreasonably affect the owner's use of such land.
 - (c) Approval of the application would set an undesirable precedent in that any person could attempt to limit the use of City owned land simply by bringing forth an application for rezoning which may or may not be in the City's interests.
 - (d) The application is premature until a Parks Master Plan and an associated review of zoning for parks and recreational facilities is undertaken by the City.
7. (A) That Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at 610 and 612 King Street East, as shown on the attached map marked as appendix "D", be **DENIED** for the following reasons:
- (a) It represents an overintensification of use, in that the proposed dwelling units could not satisfy the basic requirements for conversion in the Zoning By-law which requires a minimum floor area of 65 m² for all dwelling units whereas the average minimum floor area proposed would be only 43.66 m² for the new units.

- (b) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the area.
- (B) That approval be given to an amended Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at 610 and 612 King Street East, as shown on the attached map marked as appendix "D", on the following basis:
- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
 - (i) that notwithstanding Section 14 of the Zoning By-law, a multiple dwelling containing a maximum of 12 dwelling units, shall be permitted within the existing building;
 - (ii) that the 2 dwelling units located within the basement of the existing building shall have a minimum floor area of 65 m²;
 - (iii) that notwithstanding Section 18A Table 1(g), a minimum of 12 parking spaces shall be provided and maintained on the lot;
 - (iv) that Section 18A(1)(c) and (24)(b)(i) shall not apply to the multiple dwelling existing at the date of passage of this By-law;
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1194 and that the subject lands on Zoning District Map E-13 be notated S-1194,
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council.
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- (e) That By-law No. 79-275, as amended by By-law 87-233, establishing Site Plan Control, be amended by adding the subject lands to Schedule "A"
- (f) That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

NOTE: The purpose of the By-law is to provide for modification to the established "H" (Community Shopping and Commercial, etc.) District Regulations for property located at 610 and 612 King Street East.

The effect of the By-law is to permit a multiple dwelling containing a maximum of 12 apartment units.

In addition, the By-law provides for the following variances as special requirements:

- (a) to require a minimum floor area of 65 m² for the 2 apartment units established in the basement;
- (b) to require a minimum of 12 parking spaces to be provided and maintained on the lot;
- (c) to exempt the development from requiring one small loading space; and,
- (d) to exempt the development from requiring an access driveway of a width of 5.5 m.

8. That approval be given to Subdivision Application 25T-90001, 880640 Ontario Inc., c/o T. DiSilvestro, owner, to establish a draft plan of subdivision on the west side of Garth Street north of Rymal Road West, subject to the following conditions:

- (a) That approval apply to the plan prepared by Urbex Management Ltd., dated 1990 June 14, revised to show 130 lots, 4 blocks (Blocks "131" to "134") for development with adjacent land, 2 blocks (Blocks "136" and "137") as road widenings and daylight triangle, Block "135" for multiple housing (Townhouses), Block "130" as part of a road and Block "139" as a 0.3m reserve.

- 24 40
- (b) That the street, the daylight triangles and the road widenings be dedicated to the City of Hamilton as public highways on the final plan.
 - (c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (d) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (f) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.
 - (g) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (h) That the owner dedicate sufficient lands to the City of Hamilton to establish the property line at 18.29m from the centreline of the original Garth Street road allowance.
 - (i) That the owner dedicate sufficient lands to the City of Hamilton to establish a 12.19m x 12.19m daylight triangle between the widened limit of Garth Street and Claudette Gate.
 - (j) That access to Lots 13 and 90 is to be from the internal streets only and not Garth Street. The width of Lot 13 must be great enough to allow a 3.0m to 4.0m wide access along the west limit of the lot, outside of the daylight triangle.
 - (k) That the owner establish the road allowance for Claudette Gate at 26.21m from the widened limit of Garth Street for a distance of 90.0m and the road allowance of Street "A" from the 90.0m point to Lot 28 is to be established at 20.117m.
 - (l) That the owner eliminate the "back to back" curves on Street "A" and realign the street so that there are symmetrical road widenings on each side of the road to allow Street "A" to align centreline to centreline with Claudette Gate.
 - (m) That Street "B" align centreline to centreline with Roland Drive on Plan M-131 and be established with a width of 20.117m (66 feet).

- (n) That the owner dedicate sufficient lands to the City of Hamilton to establish 2.0m x 2.0m daylight triangles on Lots 28 and 116.
- (o) That the owner dedicate Block "130" to the City of Hamilton as a public roadway on the final plan.
- (p) That the cul-de-sac bulbs be established with a 15.0m radius with a 9.0m radius transition into and out of the cul-de-sac bulbs.
- (q) That Lots 127, 128 and 129 be arranged in a "Pie Shaped" manner to conform to the Neighbourhood Plan and the 20.117m bend in the road pattern that is to be established in the "Rymal Estates" (25T-83017) final plan of subdivision.
- (r) That driveways on Lots 13, 14 and 15 be located at the extreme west side of each lot.
- (s) That all lots and blocks on the plan not be registered until the municipal services are available to service the subject lands.
- (t) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
- (u) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (v) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90001), 8000640 Ontario Inc., c/o T. DiSilvestro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

9. That approval be given to amended Zoning Application 90-09, 880064 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Blocks "1", "2", and "3", from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District for Block "4", from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse - Maisonette) Holding District for Block "5", from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Block "6" and from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District modified for Block "7", to permit future development of the subject lands for single-family homes (Blocks "1", "2", "3", "6", and "7"), small lot single-family detached homes (Block "4"), and townhouses or maisonettes (Block "5"), for property located at 480 Rymal Road West, as shown on the attached map marked as appendix "E", on the following basis:
- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.
 - (b) That Blocks "1", "2", "3", and "7" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;
 - (c) That Block "4" be rezoned from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;
 - (d) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;
 - (e) That Block "6" be rezoned from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;
 - (f) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "7", be modified to include the following variance as a special provision:

- (i) That notwithstanding Section 9(4), a minimum lot width of 10 m and a minimum lot of area of 300 m² shall be permitted for the lot located at the northwest corner of Claudette Gate and Roland Road;
- (g) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-Law No. 6593, applicable to Block "5", be modified to include the following variances as special requirements:
 - (i) That Section 10E(2)(a)3 shall not apply;
 - (ii) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the northerly and westerly boundaries of Block "5".
- (h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1195, and that the subject lands on Zoning District Map W-27D be notated S-1195;
- (i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27D for presentation to City Council;
- (j) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (k) That the Falkirk East Neighbourhood Plan be amended by redesignating Block "5" from "single and double residential" to "attached housing".

NOTE: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by the City Council to remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property at 480 Rymal Road West.

- (a) Blocks 1, 2 and 3 - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;
- (b) Block 4 - Change from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;
- (c) Block 5 - Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;
- (d) Block 6 - Change from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District.
- (e) Block 7 - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District, modified;

The effect of the By-law is to permit future development of the lands in the following manner:

- (a) Blocks 1, 2, 3, 6, and 7 - single-family homes;
- (b) Block 4 - small lot single-family detached homes;
- (c) Block 5 - townhouses or maisonettes.

In addition, the By-law provides for the following variances as special requirements:

- (a) - no street townhouses shall be permitted on Block "5";
- (b) - a visual barrier of not less than 1.2^m in height and not more than 2.0m in height shall be provided and maintained along the northerly and westerly boundaries of Block "5"; and
- (c) - that the lot comprising Block "7" shall have a minimum width of 10.0 m whereas 12.0m is required and a minimum lot area of 300 m² whereas 360m² is required.

10. That Zoning Application 90-56, P. Mancini, P. and J. Zourntos, P. Hatzoglou and A. Tuite, owners, requesting a further modification to the established "G-4" (Designed Neighbourhood Shopping Area) District regulations and an Official Plan Amendment to permit a maximum of three (3) restaurant uses within the shopping plaza, located at 30 Rymal Road East, as shown on the attached plan marked as appendix "F", be **DENIED** for the following reasons:

- (a) It conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan.
- (b) It conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy.
- (c) It represents an over intensification of land use in that 60% of the plaza would be devoted to restaurant uses (2 or 3 separate restaurants). If the number of parking spaces required was calculated using the restaurant requirement instead of the Shopping Centre ratio, the proposal would need approximately 90 spaces (based on the seating capacity for 544 persons), as opposed to 38 spaces. Eighty-two (82) spaces are provided for the entire site. Accordingly, the proposed restaurant uses will result in spill-over parking and associated traffic movements onto the adjacent residential areas which is undesirable.
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

* 11. That Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a real estate office use within a portion of the existing building, for the property located at 694 and 696 Upper James Street, as shown on the attached map marked as appendix "G", be DENIED for the following reasons:

- (a) It is contrary to the Official Plan which designates the property "residential"; and,

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- (b) It is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,
- (c) Approval of the application would set a precedent for future similar applications.

*12. That Zoning Application 90-31, Katherine Murray, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit commercial uses within the existing building, for the property located at 710 Upper James Street, as shown on the attached map marked as appendix "H", be DENIED for the following reasons:

- (a) It is contrary to the Official Plan which designates the property "residential"; and,
- (b) It is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,
- (c) Approval of the application would set a precedent for future similar applications.

* Section 12 amended, see page 3138

- * 13. That approval be given to Rental Housing Protection Act Application DE-90-001, Agostino Ammendolia, owner, for demolition of units at 266 - 280 King Street East, on the following basis:

"That the applicant enters into an Agreement to provide the same number of new rental units (17 units), which are similar in rent and location to the existing units. This will include 12 rental apartment units and 5 rooms for lodgers. The Agreement will be registered on title and will be satisfactory to the Director of Local Planning and the City Solicitor".

14. That leave be granted to introduce the following Bills:

- (a) C-139 A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of municipal Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue.
- (b) C-140 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of municipal No. 140 Oak Avenue.
- (c) C-141 A By-law to establish Site Plan Control respecting lands located in the Central Area (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue).
- (d) C-142 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal No. 79 Rymal Road West.
- (e) C-143 A By-law to remove part of "Lillian Heights - Phase 2" registered plan of Subdivision from part-lot control.

* Section 13, referred back

10/09/90

(f) C-144 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal No. 1461 Upper Gage Avenue.

- *15. (a) That the following be added as Section 15 of the Seventeenth Report of the Planning and Development Committee;
- (b) That the Province be requested to amend the Planning Act to permit municipalities to establish a definition of "Family" in their respect of Zoning By-laws that meet their community needs; and,
- (c) That the resolution moved by Alderman Ross (Section 15 of the Seventeenth Report of the Planning and Development Committee) respecting an amendment to the Planning Act, relative to the definition of "Family" BE REFERRED to the Planning and Development Committee."

Respectfully submitted,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE

Susan K. Reeder
Secretary
1990 October 3rd

* Section 15 added during City Council and referred to the Planning and Development Committee.
Recorded vote, see page 3108

"Section 11 amended to read:

11. That Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a real estate office use within a portion of the existing building, for the property located at 694 and 696 Upper James Street, as shown on the attached map marked as appendix "G", be **APPROVED**.
 - (a) That an Official Plan Amendment be processed to redesignate the lands from "Residential" to "Commercial" and to create a Special Policy Area for limited commercial uses;
 - (b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - (c) That the "H" (Community Shopping and Commercial, etc.) District regulations be modified to include limited commercial uses within the existing building in accordance with uses set out in the "Upper James Land Use Review"; and,
 - (d) That Schedule "A" to Site Plan Control By-law 79-275, as amended by By-law 87-223, be amended by adding the subject lands thereto."

"Section 12 amended to read:

12. That Zoning Application 90-31, Katherine Murray, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit commercial uses within the existing building, for the property located at 710 Upper James Street, as shown on the attached map marked as appendix "H", be **APPROVED**.
 - (a) That an Official Plan Amendment be processed to redesignate the lands from "Residential" to "Commercial" and to create a Special Policy Area for limited commercial uses;
 - (b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - (c) That the "H" (Community Shopping and Commercial, etc.) District regulations be modified to include limited commercial uses within the existing building in accordance with uses set out in the "Upper James Land Use Review"; and,
 - (d) That Schedule "A" to Site Plan Control By-law 79-275, as amended by By-law 87-223, be amended by adding the subject lands thereto."

Schedule "A"

REASONS FOR DESIGNATION

KERR HOUSE, 988 Concession StreetContext

Built around 1855 for John William Kerr, the 1 1/2 storey stuccoed house at 988 Concession Street on the East Mountain stands overlooking the escarpment at the eastern end of Mountain Drive Park, a triangular park extending from Mountain Park Avenue to the point where Concession Street turns into the Mountain Brow Boulevard. Set well back from the roadway on a large lot amidst well-treed and attractively landscaped grounds, the Kerr house now forms part of a residential area developed largely in the 1950s.

The house originally stood at the north-east corner of Kerr's extensive property, whose frontage extended from Upper Gage along the "Mountain Top Road" to its eastern terminus. Here, at what became known as Kerr's Point, John Kerr built a road half-way down the escarpment to join the one built by Daniel Flock from his farm to the east down the Mountain to Ottawa Street.

Historical Importance

Of particular historical interest is the association of 988 Concession Street with the original owner, John William Kerr, a well-known fishing inspector and leader in early initiatives to protect Ontario's valuable fish and game resources. After retiring as Chief Clerk in the Engineer's Office of the Grand Trunk Railway in 1854, Kerr established a farm on his Mountain-brow property and by 1858 was living with his family in the present house, originally known as Inkermann Cottage.

Kerr's concern over the declining fish and game population in Hamilton Harbour and Burlington Bay led him to become a founding member of the Wentworth Society for the Protection of Game and Fish, established in 1860. Four years later, he was appointed a Fisheries Overseer (one of the first in Upper Canada) with jurisdiction over the lakeshore and rivers between Hamilton and Toronto. His territory was soon extended to the Niagara River and then along the shore of Lake Erie to Long Point. Kerr gained a reputation for his strict enforcement of the laws regulating fishing and game hunting, and also actively lobbied for the creation of fishery reserves for sports fishing and fish hatcheries. Serving as Fisheries Overseer until the year of his death in 1888, Kerr was succeeded in this position by his two eldest sons Frederick and Charles. Throughout his life a staunch Conservative, John Kerr also took an active role in the political affairs of Wentworth County and Barton Township.

John and his wife Mary occupied the house until their respective deaths in 1888 and 1907, after which the property was deeded to their four living daughters who carried on the family farm. With the death of the last surviving daughter Louisa in 1930, the farm was subdivided among the heirs. The house was acquired by Charles Kerr and finally in 1942 to his son, Albert, neither of whom

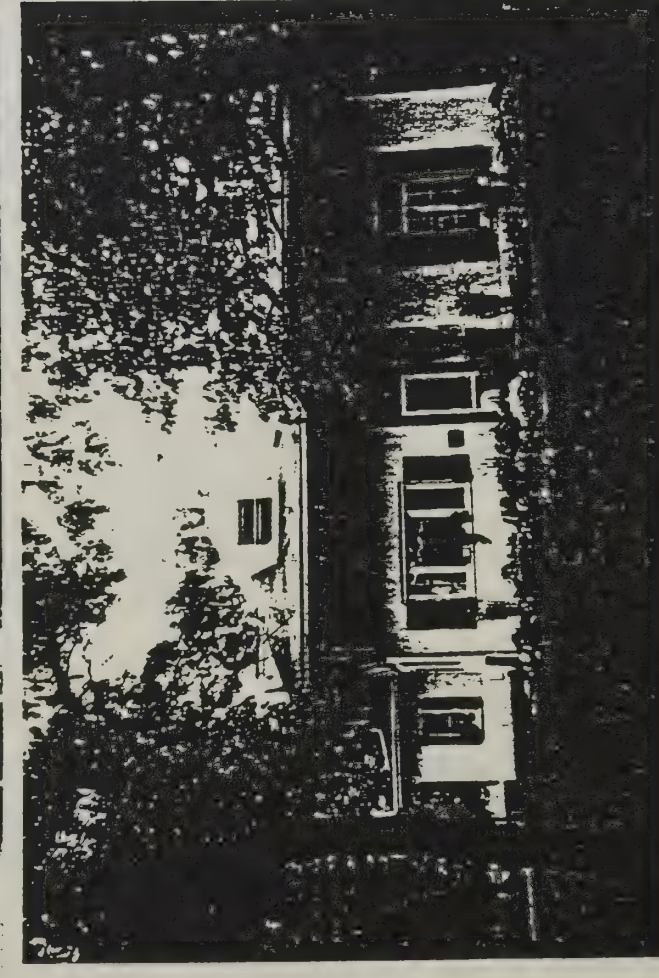
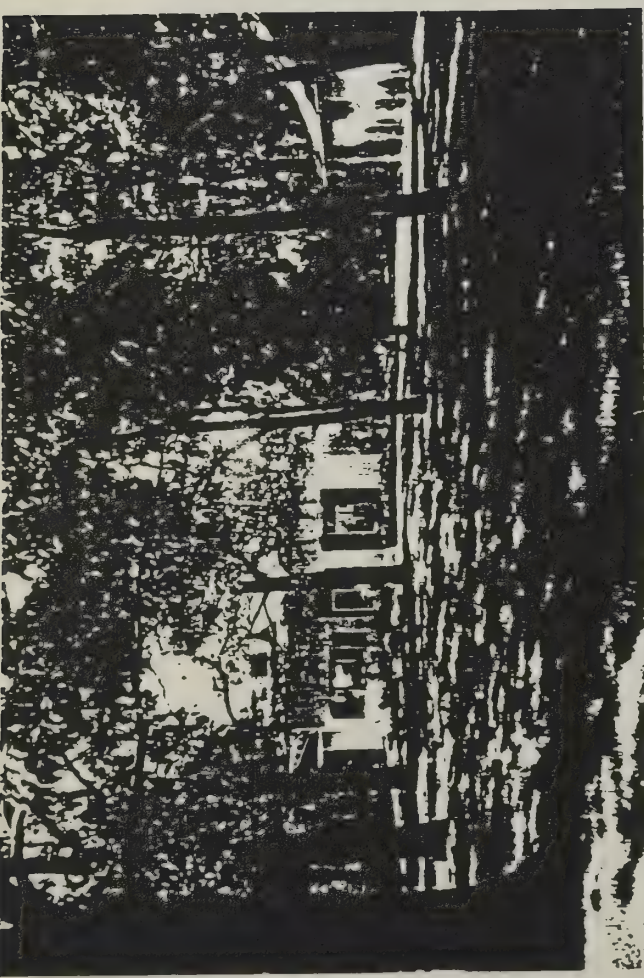
ever lived in it. Owned by the Kerr family for almost a century, the house was purchased in 1946 by Reginald and Ruth Dodson along with about 3/4 acre of land; the property has since changed ownership only once, being sold in 1985 to the present owners.

Architectural Importance

Stylistically, the Kerr house represents a very unusual, and possibly unique, variation on the Ontario Regency cottage form: a one-storey structure of tall proportions, often stuccoed, with tall chimneys and casement windows. Atypical of the Regency cottage is its asymmetrical, L-shaped plan and corresponding roof form, and the large wall-mounted brackets supporting the flared eaves. Sprung from corbels and terminating in two pendants, these gracefully curved wooden brackets constitute the most distinctive and individualistic design feature. Also noteworthy are the four floor-to-ceiling, multi-paned casement windows, the original doorway with its four-panelled wood door and transom, and the four dormers (pre-1946) with curved roofs and casement windows. The only major alteration is the large horizontal window to the left of the front doorway, added when the house was extensively renovated in the 1940s.

Designated Features

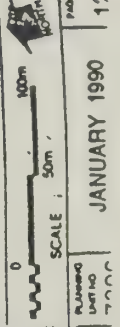
Important to the preservation of 988 Concession Street are the original features of all four facades and rear summer kitchen wing, including the stucco finish, the original windows and doorways, and the hipped roof with its four pre-1946 dormers, tall chimney and decorative brackets. Excluded are these later alterations: the two horizontal windows (front and rear) and the dormer added at the rear.



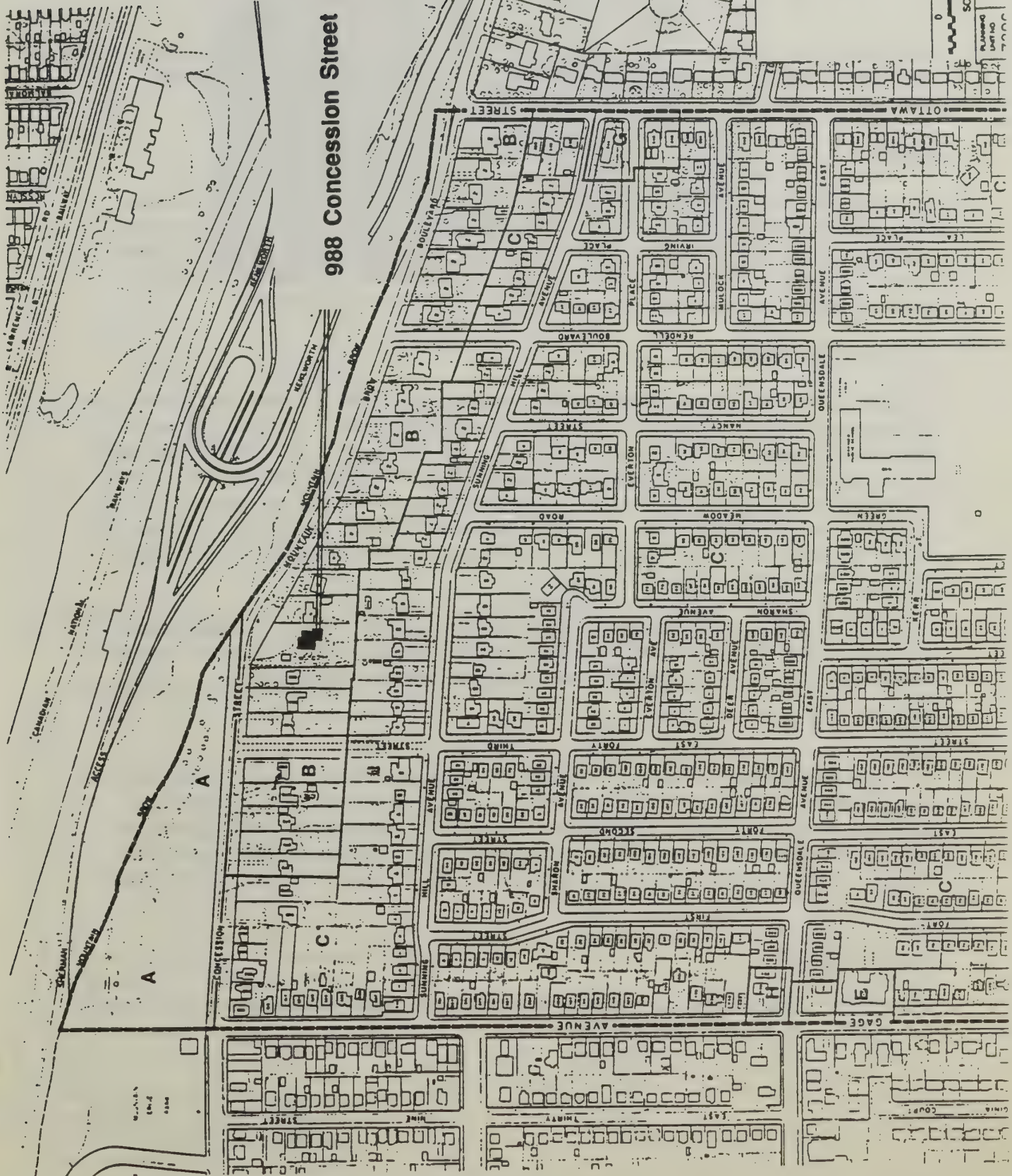
CITY OF HAMILTON

SUNNINGHILL

ZONING



988 Concession Street



REASONS FOR DESIGNATION

74 Charlton Avenue East

This two-and-one-half storey brick Italianate house, situated at the south-east corner of Charlton Avenue East and John Street South [in Hamilton], was built in 1878-9 for merchant Joseph Hancock.

Context

The house now forms part of an isolated cluster of nineteenth century buildings on John Street South, whose focal point is the impressive Gothic Revival stone structure of the Church of the Ascension. Across the street stands a row of late Victorian brick houses and to the south, Joseph Hancock's house. This surviving group is important as representative of a far larger Victorian neighbourhood in Corktown which once extended to the foot of the escarpment.

Architectural Importance

74 Charlton Avenue East constitutes a distinctive example of the Italianate style which gained widespread popularity for houses built across the country in the 1870's. Moreover, it is one of relatively few surviving in Hamilton and one of even fewer representing the classical interpretation of this style. Typical of Italianate houses are the tall round-headed windows and doorway, and the low-pitched hip roof with wide, bracketed eaves. Characteristic of the classical Italianate ones are the cubic form, symmetrical facade, and central projecting frontispiece with a pedimental gable roof. Noteworthy details include the stone lintels and caps with prominent keystones, the stone corner quoins, and the paired wooden eave brackets.

This well built and designed house still has most of its original exterior features intact, the only significant alteration being the removal of the original pairs of arched wooden entrance and vestibule doors, the latter of which displayed elaborate leaded and bevelled glass panels.

History

The house was occupied by the original owner, Joseph Hancock, until his death ca. 1887 and then by postmaster H.N. Case until 1895. In 1904, it was sold by Hancock's trustees to merchant George F. Glassco, who lived there until his death ca. 1932. The house was sold again in 1938 and was then subdivided to accommodate four tenants. After changing ownership several more times, 74 Charlton Avenue East was last purchased in 1977 by the current owner, the St. Elizabeth Home Society.

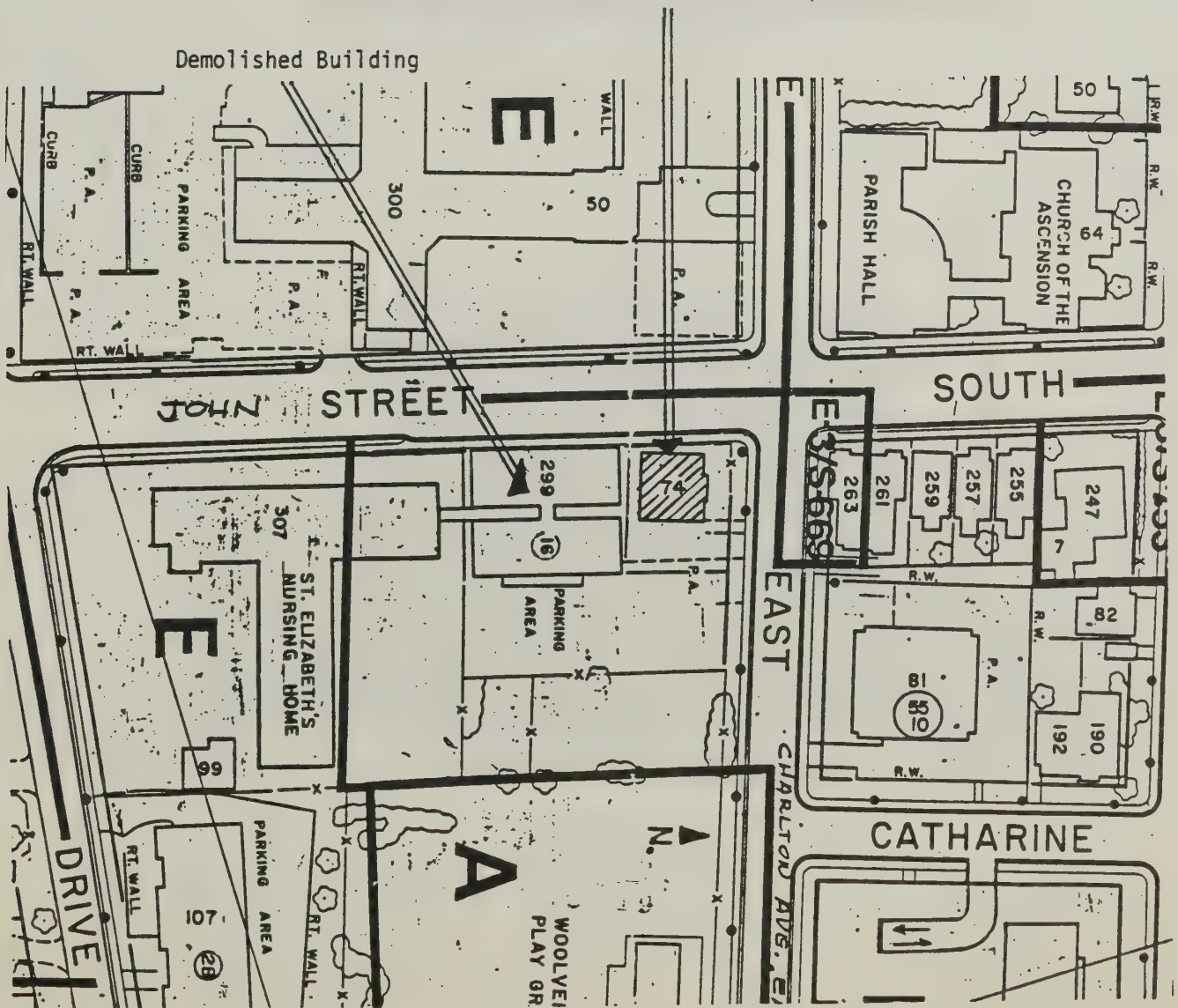
Designated Features

Important to the preservation of 74 Charlton Avenue East are the original features of north, east and west facades, including the decorative stone quoins, lintels and arches, and bracketed eaves.

Appendix "B" as referred to in Section 5 of the SEVENTEENTH Report for 1990 of the Planning and Development Committee.



74 Charlton Ave. East



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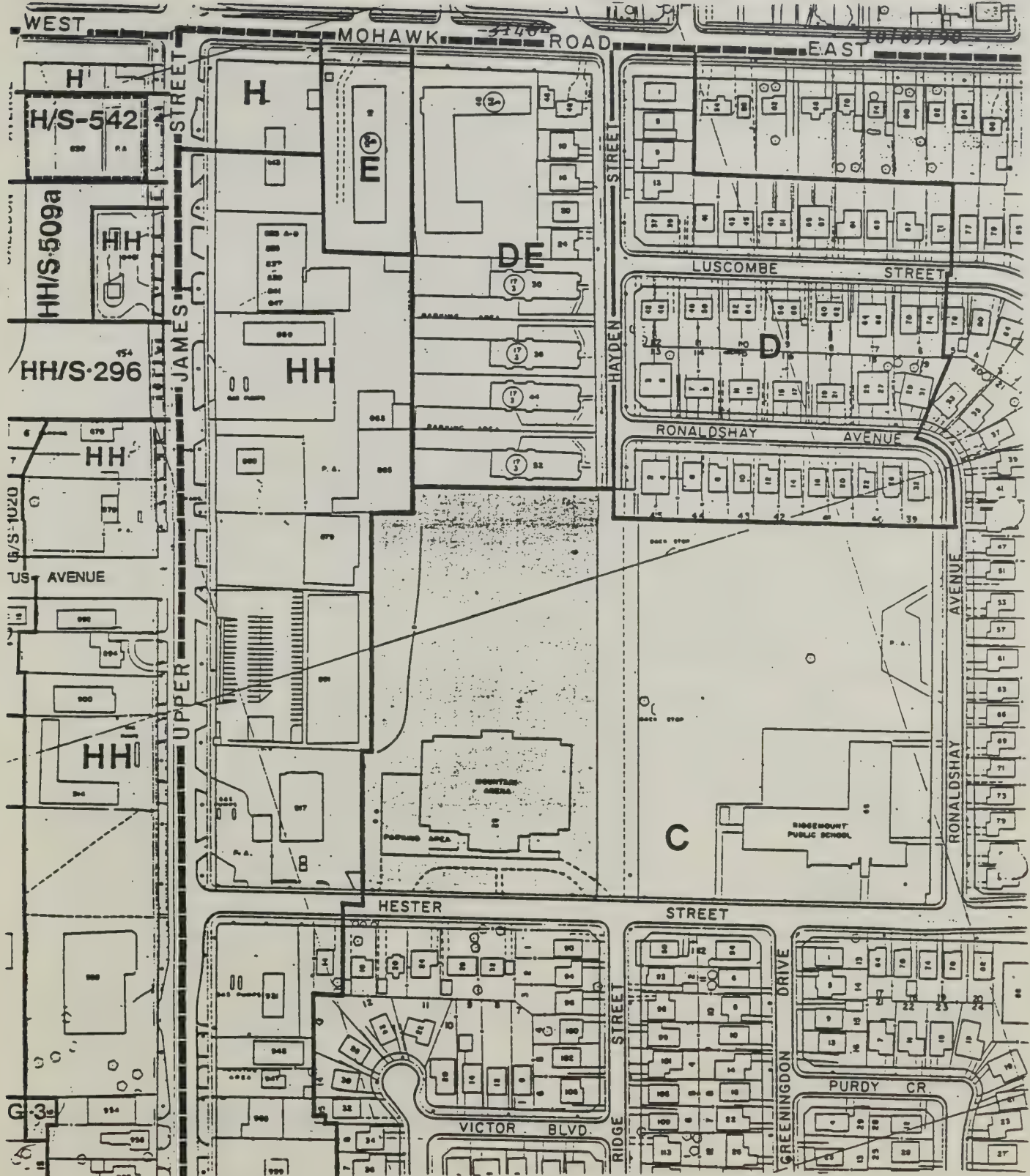
74 CHARLTON AVENUE EAST
HAMILTON, ONTARIO



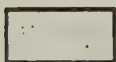
1970s



February 1990



Legend

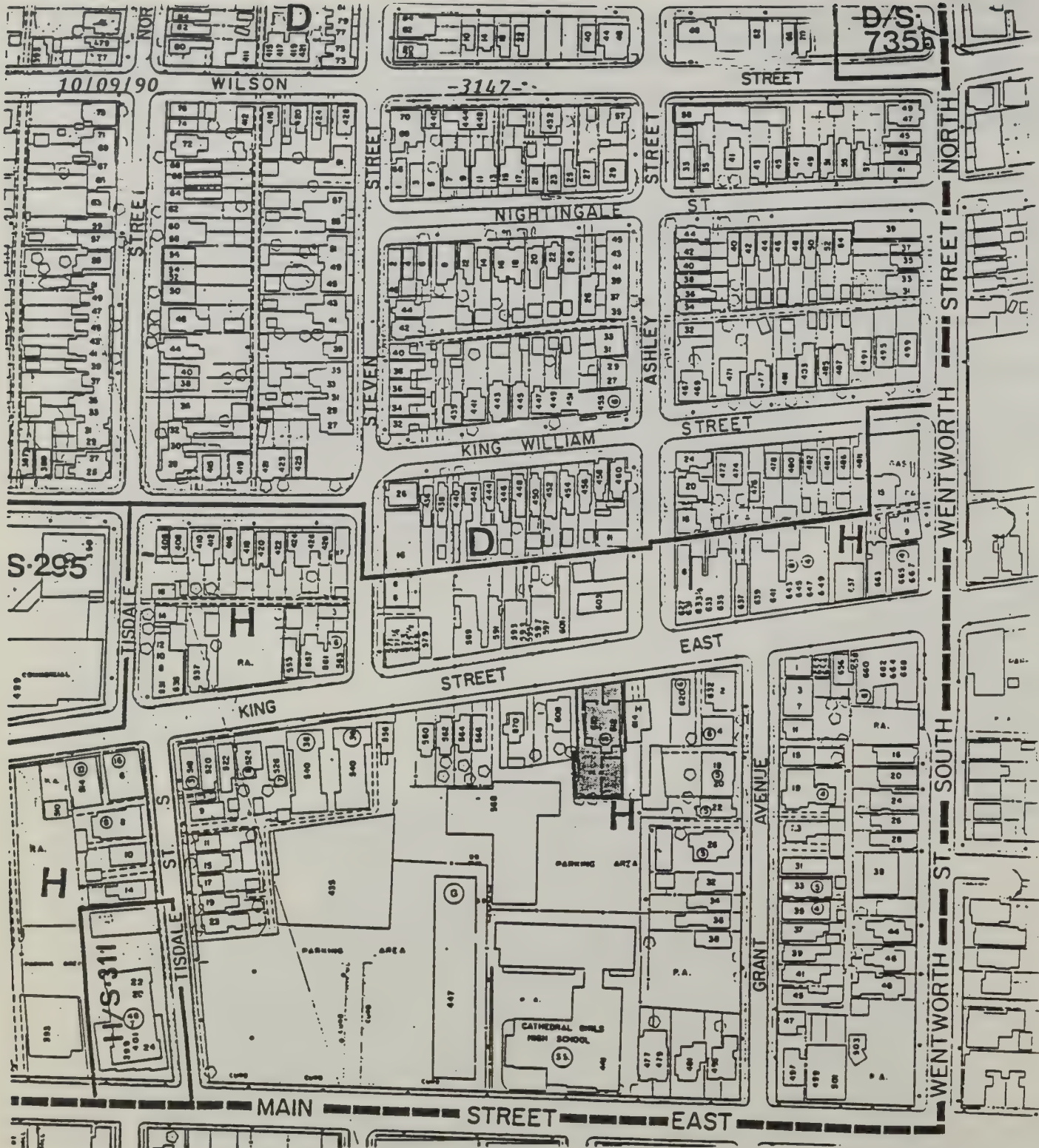


Site of the Application

Appendix "C" as referred
to in Section 6 of the
SEVENTEENTH Report for 1991
of the Planning and
Development Committee



APPENDIX A



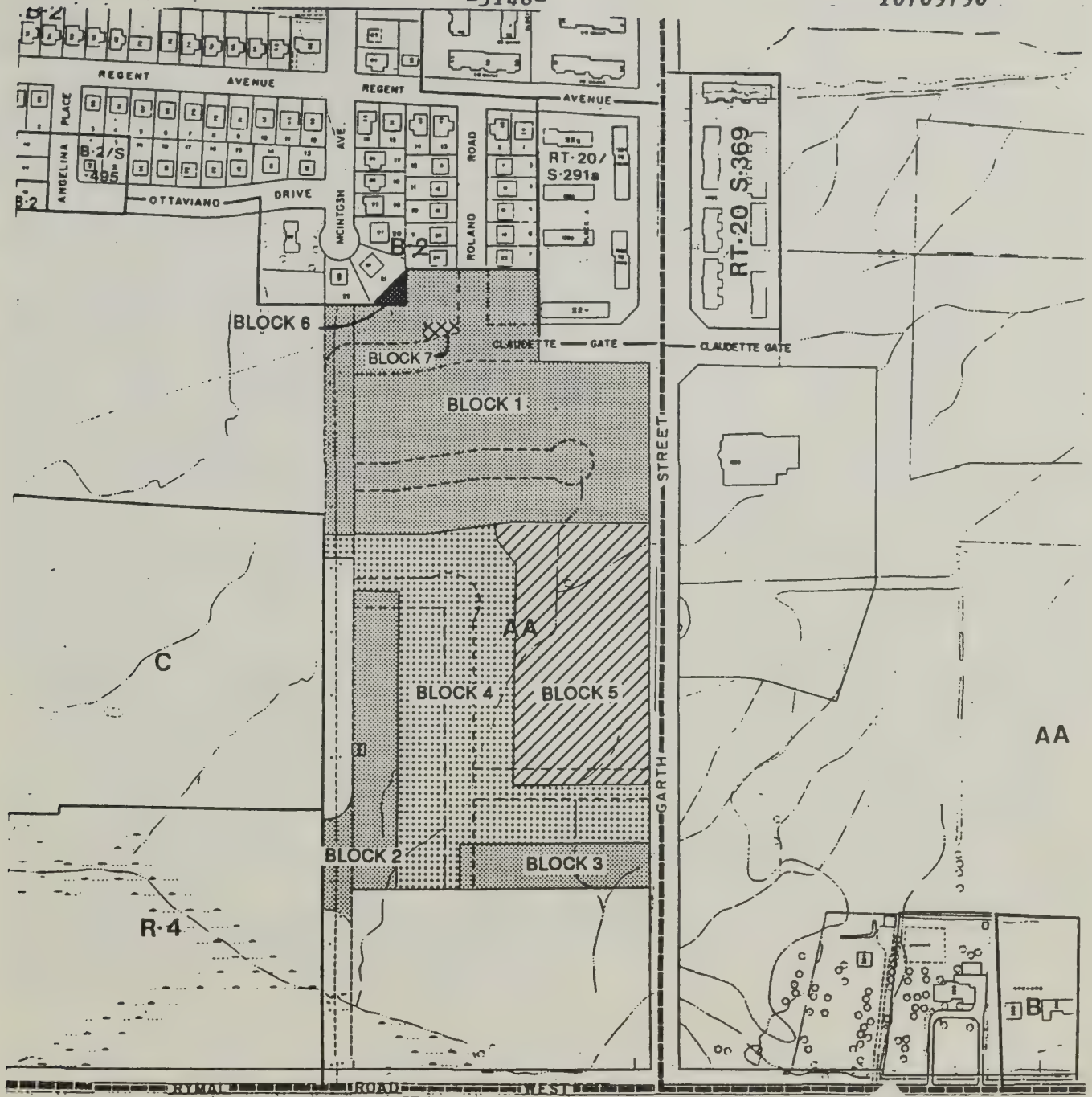
LEGEND



SITE OF THE APPLICATION








Appendix "D" as referred to in Section 7 of the 17th Report of the Planning and Development Comm. for 1990



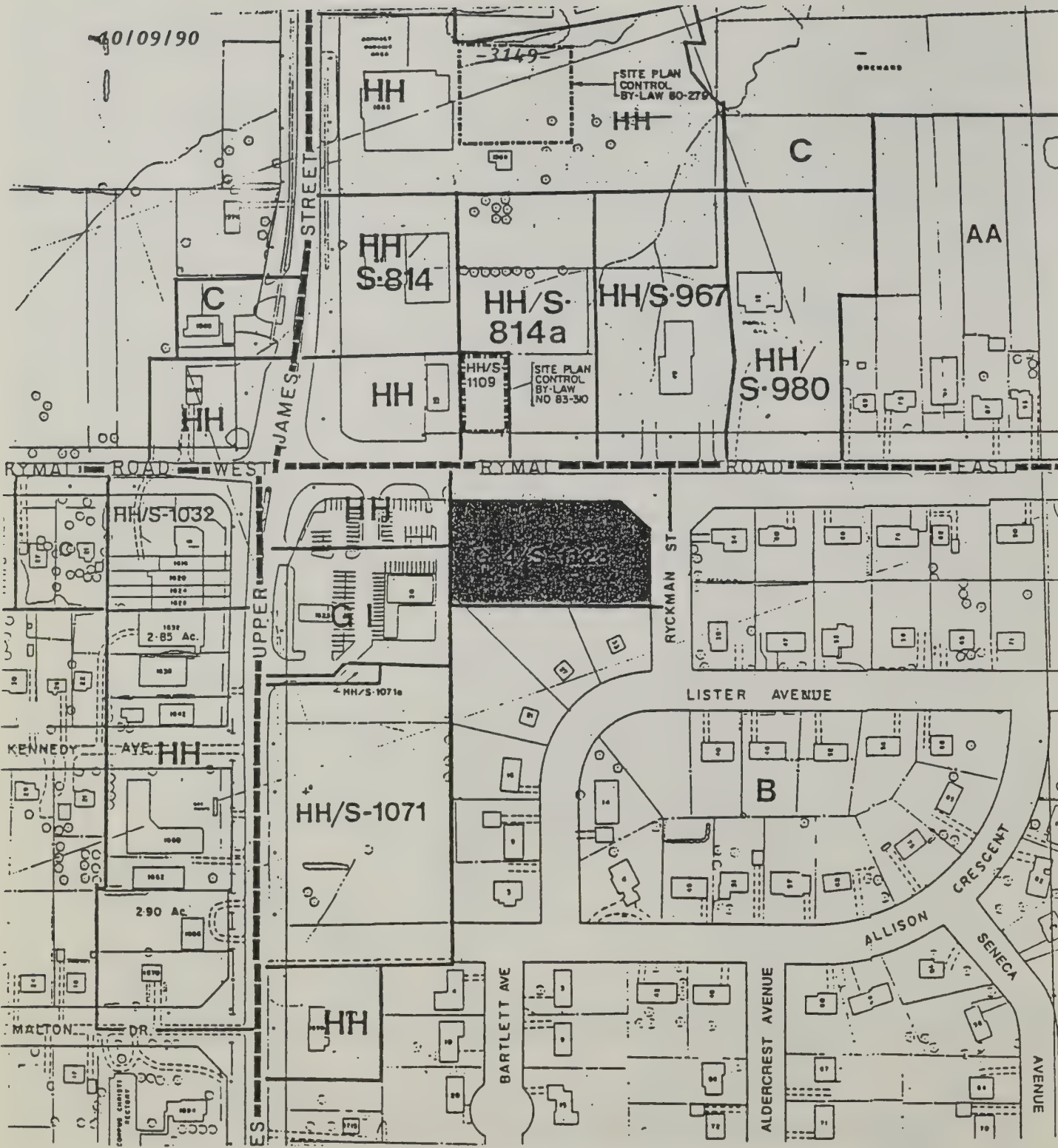
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Proposed change in zoning from:

BLOCKS 1,2,3		"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
BLOCK 4		"AA" (Agricultural) District to "R-4" (Small Lot Single - Family Residential) District.
BLOCK 5		"AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.
BLOCK 6		"B-2" (Suburban Residential) District to "C" (Urban Protected Residential, etc.) District.
BLOCK 7		"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified.

Appendix "E" as referred to in Section 9 of the 17th Report for 1990 of the Planning and Development Comm

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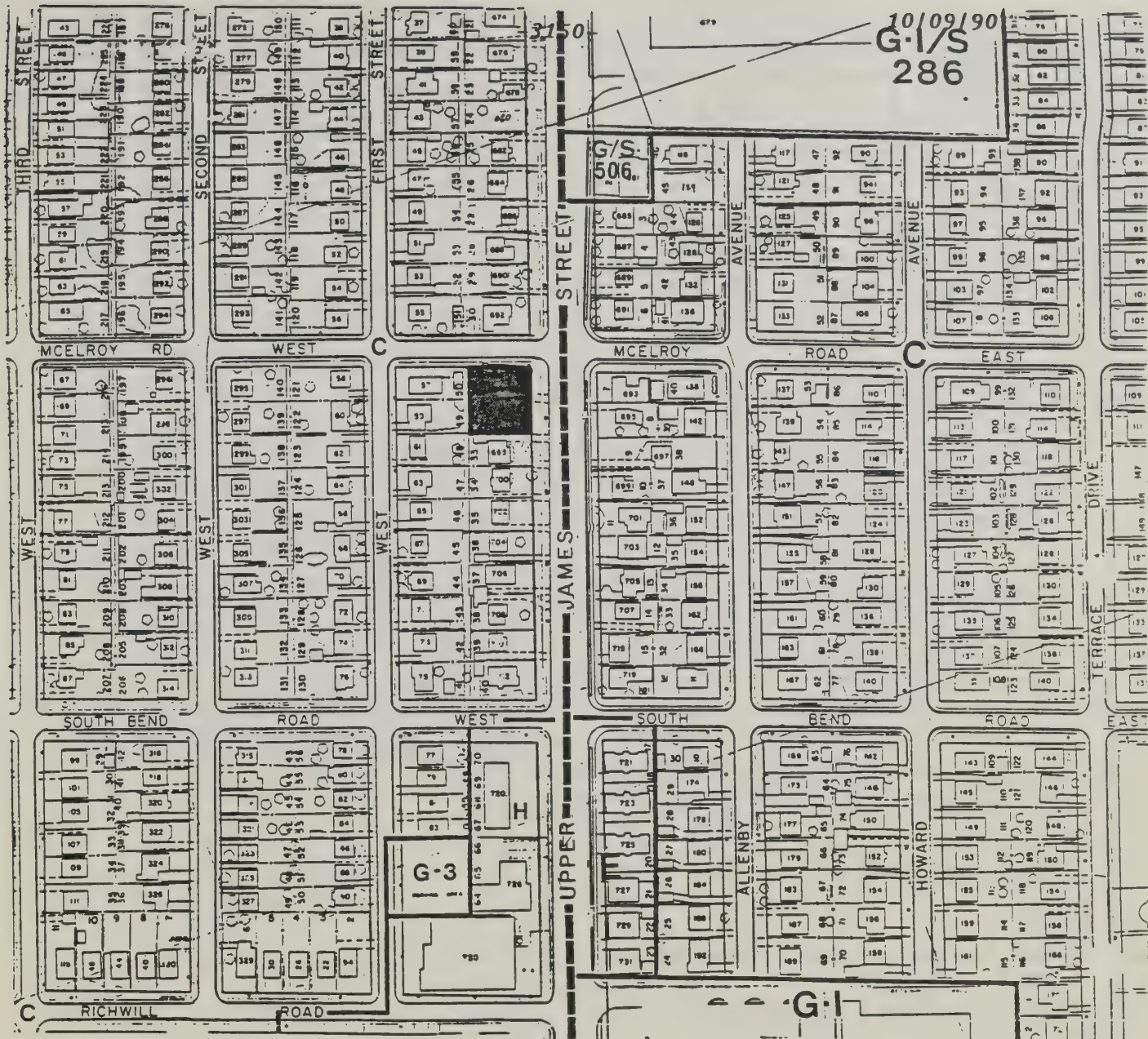
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Site of the Application

Appendix "F" as referred
to in Section 10 of the
Seventeenth Report for 1990
of the Planning and Develop
ment Committee

APPENDIX A

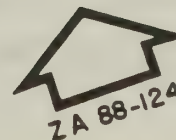


LEGEND

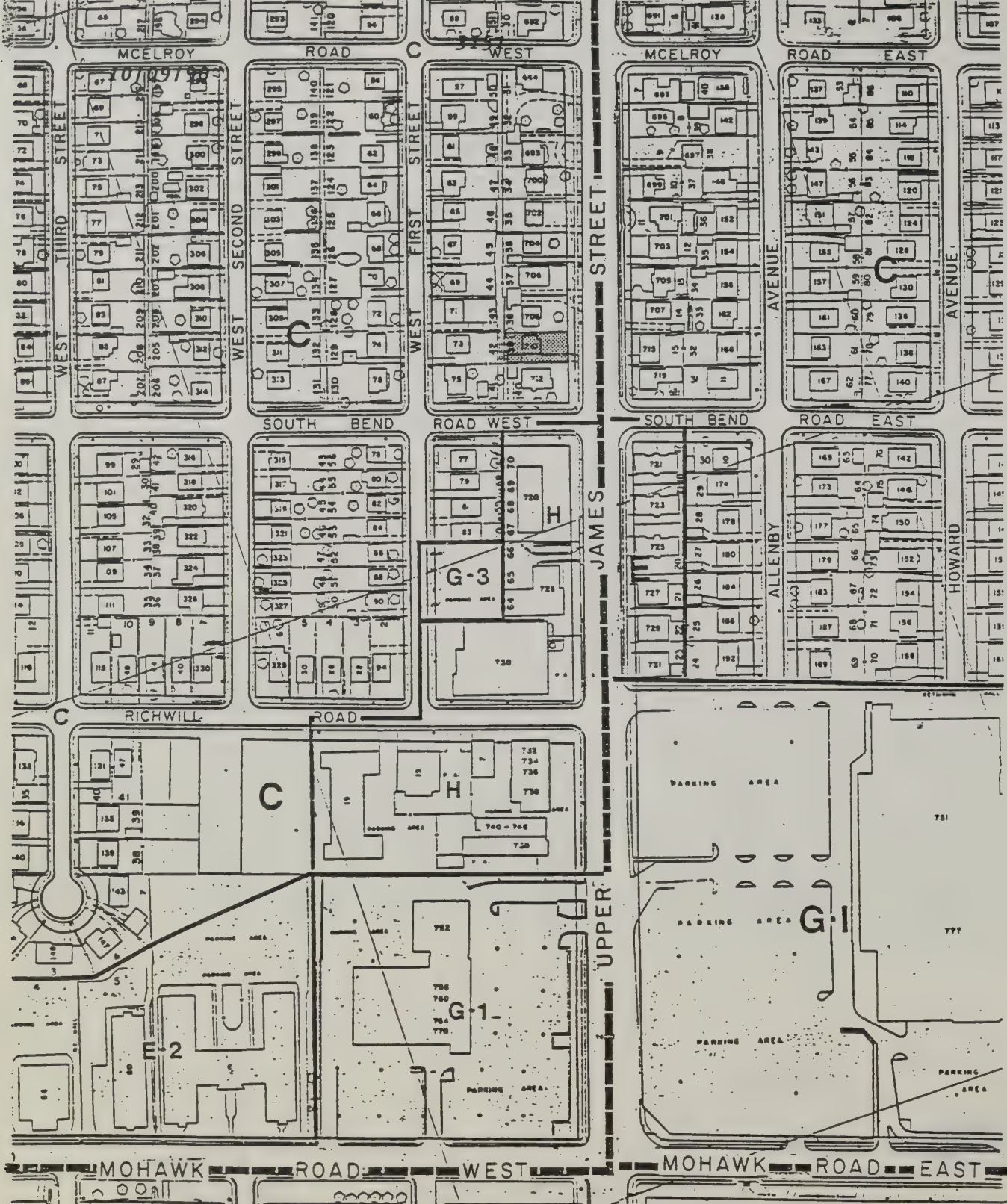


SITE OF THE APPLICATION.

Appendix "G" as referred to in Section 11 of the 17th Report for 1990 of the Planning and Development Committee



APPENDIX



Legend



Site of the Application

Appendix "H" as referred to in Section 12 of the SEVENTEENTH Report for 1990 of the Planning and Development Comm.

ZA-90-31

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **SIXTH** Report for 1990 and respectfully recommends:

1. That a Taxi Cab Owner Licence be issued to Henry Shedletzky, 18 Creekwood Place, Dundas, subject to Council approving the agreement attached hereto as Appendix "A" prohibiting the sale of the licence for five years.

NOTE: For the information of members of City Council, after conducting hearings on the application, the Licensing Committee decided on the 26th of September, 1990, that the applicant was found to meet the requirements for issuance of a taxi owners' licence, based upon licences held by his corporation. The agreement was a requirement of the Licensing Committee to prevent the sale of licences held by Mr. Shedletzky and consistent with the requirements of Section 28 of the taxi schedule (By-law), which requires that licences not be transferred for a period of five years from issuance off the priority list. The agreement prevents direct and indirect transfers of licences by controlling both licence and share transfers by Mr. Shedletzky and the corporation in which he is a one hundred per cent shareholder. The Licensing Committee has already approved the form of the agreement which requires acceptance by Council prior to issuing any licence.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE
ACTING CHAIRMAN
LICENSING COMMITTEE**

**Stella Glover
Secretary**

1990 September 26

THIS UNDERTAKING Made this day of , 1990.
BETWEEN :

HENRY SHEDLETZKY
(hereinafter referred to as the "Applicant")

AND

446251 ONTARIO INC.
(hereinafter referred to as the "Company")

AND

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter referred to as the "City")

AND

THE CITY OF HAMILTON LICENSING COMMITTEE
(hereinafter referred to as the "Licensing Committee")

WHEREAS the Applicant is a licence applicant on the priority list maintained by the City for issuances of taxi-cab owner's licences, and the Applicant desires to be considered as an owner of such licences for the purposes of section 25 of City By-law 89-249, as amended by City by-law 89-316, both of which may be amended from time to time and which are all collectively hereinafter referred to as the "City's By-law";

AND WHEREAS the Applicant holds one hundred (100) percent of the voting shares of the Company, which is listed as the holder of the City taxi-cab owner's licences more particularly listed in Schedule "A" hereto annexed;

AND WHEREAS the Company's voting shares are held in the proportion and by the persons more particularly set out in Schedule "B" hereto annexed;

AND WHEREAS the Licensing Committee has decided at its meeting of April 4th, 1990 that applicants who are individuals may in certain circumstances qualify as owner of taxi-cab owner's licences under the City's By-law, even though a company in fact is listed as the holder of the licences;

AND WHEREAS the Licensing Committee has decided that issuance of a taxi-cab owner's licence to the Applicant would not be in the public interest, without an agreement on the part of the Applicant and the Company that for taxi-cab owner's licences currently held, and for those licences to be issued from the priority list, provisions similar to those found in section 28 of the City's By-law apply as if the Applicant and the Company were one and the same person, and further that any direct or indirect changes in control over the licences by the Applicant through the issuance and transfer of voting shares in the Company be prohibited, the terms of such agreement being more particularly described hereinafter below;

AND WHEREAS the Applicant herein acknowledges that the decision of the Licensing Committee above deems such agreement to be a condition precedent to the issuance of a licence to the Applicant, made necessary to qualify the Applicant in the circumstances existing at the time of the consideration of the his application;

AND WHEREAS breach of this agreement is cause for the Licensing Committee and the City to consider the breach as if the Applicant and the Company as one person had breached the provisions of section 28 of the City's By-law, by the transfer or attempted transfer of a taxi-cab owner's licence within the prohibited period

10/09/90

following the issuance of a such a licence from the priority list without surrendering the licence obtained from the priority list;

AND WHEREAS the City's By-law is applicable to the Applicant and Company, and the procedures, conditions and law otherwise applicable to the licensing, regulating, and governing of owners of cabs, and that apply for revoking any such licence, apply without modification to both the Applicant and the Company separately as before this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for other good and valuable consideration and the sum of One dollar (\$1.00) of lawful money of Canada given by both the City and the Licensing Committee to each of the Applicant and the Company, the receipt of which is hereby acknowledged, the Applicant and the Company each jointly and severally, covenant and agree with the City and the Licensing Committee, to comply with, keep, perform and be bound by each and every term, condition and covenant set out to the extent that the same are expressed to be respectively binding upon them, and the same shall enure to the benefits of and shall be binding upon their respective heirs, executors, administrators, successors and assigns.

TRUTH OF RECITALS

1. Both the Applicant and the Company hereby acknowledge and declare that the above recitals are true and correct in substance and in fact.

DEFINITIONS

2. For the purposes of this section and sections three and four of this Undertaking, the following additional definitions apply;

- (a) "Licence Holder" shall include both the Applicant and the Company;
- (b) "priority list" shall mean that list used for the issuance of taxi-cab owner's licenses under the City's By-law;
- (c) "Previously Issued Owner's Licence" shall include all taxi-cab owner's licences held by the Company, as set out in Schedule "A" hereto attached;
- (d) "change in ownership" shall include any issuance or transfer of voting shares of the Company which changes the list of shareholders, or the proportion of shares held, from that set out in Schedule "B" hereto attached.

TRANSFER OF LICENSES OR CONTROL PROHIBITED

3. Where the Licence Holder receives a taxi-cab owner's licence from the City's priority list, unless the prior written consent of the City's Licensing Department and of the Licensing Committee are given, the Licence Holder agrees that :

- (a) for a period of at least five (5) consecutive years from the date of receipt of the most recent taxi-cab owner's licence from the priority list, the Licence Holder shall not transfer any taxi-cab owner's licence nor shall such transfer be approved, unless the most recently issued taxi-cab owner's licence is surrendered to the Licensing Committee for cancellation; and,

10/09/90

(b) for a period of at least five (5) consecutive years from the date of receipt of the most recent taxi-cab owner's licence from the priority list, the Licence Holder shall not make or consent to any change in ownership of the Company, unless the most recently issued taxi-cab owner's licence is surrendered to the Licensing Committee for cancellation.

TERMINATION

4. This Undertaking shall terminate upon the expiry of five (5) years from the date of receipt by the Applicant of the most recent taxi-cab owner's licence from the priority list.

FURTHER ACTS AND DOCUMENTS

5. The Applicant and the Company promise to do or cause to be done all further lawful, necessary and reasonable acts, deeds or assurances, in a reasonable and timely manner, for the better performance of the terms and conditions of this Undertaking. No omission or failure to complete this obligation may be asserted or relied upon by the Applicant or the Company to defeat the purpose and intent of this Undertaking or deny the benefits and rights intended to be established therein by the City and the Licensing Committee.

INCONTESTABILITY

6. Neither the Applicant nor the Company will call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the City or the Licensing Committee to enter into or accept this agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the City or the Licensing Committee in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

SEVERANCE OF ULTRA VIRES TERMS

7. If any term of this Undertaking shall be found to be ultra vires of the City or the Licensing Committee, or otherwise unlawful, such term shall conclusively be deemed to be severable and the remainder of this Undertaking mutatis mutandis shall be and remain in full force and effect.

IN WITNESS WHEREOF the Applicant has hereunto set his hand and seal, and the Company has hereunto caused to be affixed its corporate seal attested by the hands of its proper officers, both on the day and year first above written.

SIGNED, SEALED AND DELIVERED) 446251 ONTARIO INC., per: c/s

In the presence of)

)
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)
)
)
)

President : Henry Shedletzky

Henry Shedletzky

10/09/90

This is Schedule "A" to the Undertaking dated , 1990, given by Henry Shedletzky and 446251 ONTARIO INC. to the Corporation of the City of Hamilton and the City of Hamilton Licensing Committee to which it is attached and forms a part.

Taxi Owners Licenses which are currently held by 446251 ONTARIO INC. :

City of Hamilton Taxi Owner Plate numbers 90, 133, 165, and 216.

10/09/90

This is Schedule "B" to the Undertaking dated , 1990 given by Henry Shedletzky and 446251 ONTARIO INC. to the Corporation of the City of Hamilton and the City of Hamilton Licensing Committee to which it is attached and forms a part.

Holders of Voting Shares in 446251 ONTARIO INC. and Proportions of shares held:

<u>Shareholder</u>	<u>Percentage of Shares Held</u>
Henry Shedletzky	One Hundred Percent (100%)

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-THIRD** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Hill's Video Centre, Hamilton, in the amount of \$17 007.84, which was the only tender received, to supply and deliver Panasonic Video Equipment to the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Operating Equipment and Training Program Account No. CH58005 48001 (\$9 000) and CH55204 48035 (\$8 007.84).
2. That a purchase order be issued to Ernst & Young Management Consultants, Hamilton, in the amount of \$45 500, which was the lowest of four (4) proposals received, to conduct a comprehensive audit of the Licence Division, City Clerk's Department in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission, and that this expenditure be financed from the Comprehensive Audit Account No. CH56394 24101.
3. That the request of the Lung Association to fly the Lung Association flag at City Hall during the months of 1990 November and December during the Christmas Seal Campaign, be approved.
4. That the request of the Hungarian Community of Hamilton to fly the Hungarian flag at City Hall on 1990 October 23 in recognition of Hungarian Day in Hamilton, be approved.
5. That permission be granted to the Hamilton-Wentworth Regional Police Community Services Branch to use the first and second floors, including the City Clerk's foyer, at City Hall on 1990 November 05 from approximately 2:00 p.m. to 8:00 p.m. for a Home Security Fair during National Crime Prevention Week.

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- * 6. That approval be given to the request of the Hamilton-Burlington Branch of the Canadian Abortion Rights Action League to use the first floor and forecourt of City Hall on Saturday, 1990 October 13 from 11:00 a.m. to 1:00 p.m. for a "Reproductive Rights Fair", including the use of the various equipment, and that expenditures associated with this event such as staff overtime, be financed from Property Maintenance Division Account No. CH55222 10034.
7. That the estimated cost of \$4 000 to obtain an independent appraisal for the Crescent Oil property at 136 Cannon Street West, as approved by City Council 1990 September 25 in adopting Section 1 of the Twelfth Report of the Transport and Environment Committee, be funded from the Reserve for Property Purchases, Centre 00102.
- ** 8. That an amount not to exceed \$4 000 to sponsor a civic luncheon and a hospitality program at the Ontario Recreation Society Conference being held in Hamilton at the Convention Centre in February 1991, as referred to in Section 4 of the Eighteenth Report of the Parks and Recreation Committee, be financed from the Reserve for "Hosting of Conferences with Municipal Subject Content", Centre 00126.
9.
 - (a) That the City Solicitor be authorized to make application for the increased City's cost by \$20 000 from the previous \$27 657.63 to the Ontario Municipal Board for approval to construct independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue, as referred to in Section 10 of the Thirteenth Report of the Transport and Environment Committee, at an estimated cost of owner's share of \$92 568, as well as City's share of \$47 657 revised from \$27 657.63 by the issuance of debentures totalling \$140 225 (revised from previous total of \$120 226.63) for a period not to exceed 20 years.
 - (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the revised total amount of \$140 225 from previous \$120 225.63 for a term not to exceed 20 years for the above project.
10. That the approximate cost of \$1 000 to investigate and respond to possible noise complaints in connection with McMaster University Homecoming Weekend, as referred to in Section 15 of the Thirteenth Report of the Transport and Environment Committee, be funded by means of an approved overdraft within the accounts of the Pollution Control budget.

* Recorded vote, see page 3108

** Recorded vote, see page 3109

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11. That approval be given to inform the Board of Education that the City of Hamilton and the Municipal Non-Profit (Hamilton) Housing Corporation are not interested in purchasing 235 Bowman Street, Princess Elizabeth School.
12. That an Offer to Purchase executed by Regional Officials on 1990 September 25 and scheduled for closing on or before 1990 December 17, for the purchase of part of the property at 2300 Brampton Street, having a frontage along the westerly limit of Nash Road of 92.249 metres (302.65 feet), containing .69 hectare (1.70 acres), for the sum of \$561 225, required for the Freeway Project, be approved and completed, and that this amount be credited to Account No. CH 4X501 00102, Sale of Land - Property Purchases.
13. That the Appointments To and Terminations from Permanent positions with the Corporation to 1990 September 25, attached hereto and marked Appendix "A", be approved.
14. That the City Solicitor be authorized and directed to apply for special legislation to implement the draft By-law, attached hereto and marked Appendix "B", requiring apartment building to install emergency lighting and smoke alarms.
15. That the timetable for preparation and review of the 1991-1995 Capital Budget be as follows:
 - (a) Notify departments/boards to prepare their Capital Budget material (this was done by September 26, 1990).
 - (b) October 22, 1990 - deadline for returning copies of "Individual Capital Budget Submission" forms to Treasury in order to prepare preliminary Capital Budget.
 - (c) Month of October/November departments/boards arrange to have proposed Capital Projects approved by Standing Committees for forwarding to Finance and Administration Committee for consideration to include in Capital Budget.
 - (d) November and December 1990 - Treasury monitors and assembles preliminary Capital Budget, prepares financial impacts, etc.

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- (e) December 12-14, 1990 - Capital Budget Staff Sub-Committee and Management Team review individual Capital Projects with departments/boards at special meetings.
 - (f) January 16 to 18 and if necessary January 24, 1991 - Finance and Administration Committee reviews and recommends 1991-1995 Capital Budget to City Council.
 - (g) February 12, 1991 - City Council considers approval of the 1991-1995 Capital Budget.
16. That the timetable for preparation and review of the 1991 Current Budget Estimates be as follows:
- (a) Budget call letter along with supporting budget material and forms to be issued to all Departments and Local Boards by October 12, 1990.
 - (b) November 6, 1990 (12:00 noon) - Special meeting of Finance and Administration Committee receives overview and clarification of process of the 1991 Current Budget with an invitation to all City Council members (lunch to be provided).
 - (c) Deadline for completed budget submissions to be returned to Treasury November 16, 1990.
 - (d) November 19 to December 31, 1990 - Treasury monitors, processes and assembles the budgets to ensure compliance of submissions with guidelines; budgets to be reviewed with Department Heads and Manager of Local Boards; Treasury prepares the budgets for review by the Standing Committees.
 - (e) January 2 to January 18, 1991 - Current Budget Management Team Sub-Committee to review status of 1991 Current Budget, review and rank all service/program packages and prepare appropriate recommendations for all Finance and Administration Committee overview on January 24, 1991.
 - (f) January 24, 1991 - Finance and Administration Committee receives update on Current Budget status and includes an information session on the Current Budget with an invitation to all City Council members to attend.

- (g) February 18 to February 22, 1991 - Standing Committees review and approve their respective budgets which should include acceptance/rejection of any service/program packages. This procedure to take place during regularly scheduled meetings in addition to the regular agenda material and at special meetings called specifically for budgets within this time frame.
 - (h) February 28, 1991 - Special Council meeting to rank Committee accepted service/program packages and to determine funding level if necessary.
 - (i) March 21, 1991 - Finance and Administration Committee reviews and approves the final estimates and forwards a recommendation concerning the 1991 City mill rates to City Council.
 - (j) March 26, 1991 - City Council reviews and approves the 1991 revenues and expenditures based on a calculated mill rate for City services only.
 - (k) April 30, 1991 - City Council approves the by-laws establishing the 1991 mill rates for City, Regional and Educational purposes.
17. That outstanding business taxes in the amount of \$108 916.50, as recommended by the Treasurer in a report dated 1990 September 24, be written-off in accordance with Section 495 of The Municipal Act, R.S.O., 1980, and charged to Account CH15401-00001, Tax Write-Offs.
- NOTE:** A copy of the schedule outlining Outstanding Business Tax Accounts, which are in the opinion of the Treasurer uncollectible, is available from the Secretary of the Finance and Administration Committee for review.
18. That realty and business tax applications processed under Section 496(a) of The Municipal Act in accordance with Bill 59 (Municipal Act Amendment) Chapter 31 Statutes of Ontario, 1988 in the amount of \$16 888.95, as shown in Appendix "C" attached hereto, be approved and charged to CH53307-24104 Tax Remissions.
19. That City Council re-affirm the following policy with respect to requests for donations to various disaster relief funds as adopted by City Council 1985 August 27:

"That City staff be authorized to refer requests for donations for assistance, in kind or financially, to disaster relief funds to the Regional Municipality of Hamilton-Wentworth for its consideration."

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- *20. (a) That an amount of \$7 700 be provided for civic hospitality during the Ontario Non-Profit Housing Association Conference to be held in the City of Hamilton at the Hamilton Convention Centre from 1990 November 6 - 9.
- (b) That this expenditure be charged to Hosting of Conferences with Municipal Subject Content Account No. CH 55307 80040.

21. That the Ministry of Transport be petitioned to consider the implementation of licence suspension as part of the penalty for unauthorized dumping of rubble and debris by truckers in the City of Hamilton.

- **22. That the appeal recommendation of the Ontario Music Educators Association Inc. for a 1990 Convention/Reception Grant in the amount of \$1 500 to provide for hospitality during their annual conference to be held in the City of Hamilton 1990 November 15-17, be approved as follows and funded from within the Grants Account No. CH 5A0XX-20020:

Requested Amount	Original Recommended Amount	Recommended Amount on Appeal
\$5 000	\$1 500	\$1 500

23. (a) That the City resolve Ontario Court of Justice (General Division) Action No. 9820/87 by the payment, to the Plaintiff, Florence French, of \$2 000 inclusive of damages, interest and costs.
- (b) That the Plaintiff be required to execute a Full and Final Release satisfactory to the City Solicitor.
- (c) That the Action, and all Cross-claims, be dismissed without costs.
24. (a) That the City of Hamilton resolve Ontario Court of Justice (General Division) Action No. 4229/88 by the payment, to the Plaintiffs, Rachele and Leonardo Rogano, of \$3 500 inclusive of all damages, interest and costs.

* Recorded vote, see page 3109

** Recorded vote, see page 3109

- (b) That the Plaintiffs be required to execute a Release satisfactory to the City Solicitor.
 - (c) That Ontario Court of Justice (General Division) Action No. 4229/88 be dismissed without costs.
25. That the City of Hamilton agree to participate in a joint Offer to Settle on behalf of all Defendants in Ontario Court of Justice (General Division) Action No. 9561/87 and, if the Offer is accepted, to pay one-quarter of the total costs of the Offer. This Offer to Settle to be in the following terms:
- (a) The said Defendants will pay to the Plaintiff, Bette Ferrara, general damages in the amount of \$12 000.
 - (b) The said Defendants will pay to the Plaintiff, Vincent Ferrara, damages pursuant to the Family Law Act in the amount of \$1 200.
 - (c) The said Defendants will pay to the Plaintiffs prejudgment interest calculated in accordance with the Courts of Justice Act.
 - (d) The said Defendants will pay to the Plaintiffs their costs to be agreed upon or, if agreement is not possible, as assessed by an assessment officer on a party and party basis to the date of this Offer to Settle.
 - (e) Both Plaintiffs will provide the said Defendants with Full and Final Releases.
 - (f) If this Offer to Settle is accepted after November 15th, 1990, the Plaintiffs will pay the said Defendants their party and party costs from the date of this Offer to Settle to the date of acceptance in an amount to be agreed upon by the parties or as assessed by an assessment officer.
26. (a) That the City of Hamilton not accept the Third Party, Zurich Insurance Company's Offer to Settle Ontario Court of Justice (General Division) Action No. 2473/83, dated September 27th, 1990.
- (b) That the City Solicitor be instructed to defend the Third Party's Motion to Dismiss the Action, and if successful, to List the Matter for Trial as soon as possible.

27. That, consistent with the resolution adopted by Hamilton City Council at its meeting held 1990 March 13 dealing with matters relating to the Hamilton Harbour Commission as outlined in the letter of Mayor Robert M. Morrow dated 1990 March 20 to The Honourable Doug Lewis, Minister of Transport, a copy of which is attached hereto as Appendix "D", the following resolution be forwarded to The Right Honourable Brian Mulroney, Prime Minister of Canada:

- (a) That City Council call upon the Federal Government to revisit the recommendations made by the City's "Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners dated January 1989" with specific reference to the structure and composition of the Hamilton Harbour Commissioners;
- (b) That the Federal Government undertake to immediately fill the vacancy on the Hamilton Harbour Commission and in so doing consult with the City of Hamilton;
- * (c) That an open public inquiry be undertaken to ensure that any sale of land with specific reference to the 1987 sale by J. I. Case Canada to the Hamilton Harbour Commission in which Mr. P. Lush declared a conflict of interest complied in all respects with the Hamilton Harbour Commissioners Act of 1912 which reads in part:

"The Corporation shall not have any transaction of any pecuniary nature, either in buying or selling, with any member thereof, directly or indirectly."

and further, that Hamilton City Council request an immediate meeting with the Prime Minister of Canada to discuss and review harbour issues and concerns, and that a copy of this resolution be forwarded to all local MPs.

28. (a) That, as requested by the Alliance for the Preservation of English in Canada, Hamilton Branch, in a letter dated September 5 which was presented to City Council at its meeting held 1990 September 25 and referred to the Finance and Administration Committee for consideration, an English Sub-Committee be set up to represent Hamilton's anglophone community.
- (b) That the Finance and Administration Committee report back to City Council on the composition and terms of reference of the English Sub-Committee.

* Section 27(c) amended, see page 3166

- (c) That any further requests for the establishment of a language sub-committee from community organizations or groups with a representative population in the City of Hamilton of 2 500 or more be approved.
29. That leave be granted to introduce the following Bill:
- (a) Bill H-110 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1990 October 4

Section 27(c) amended to read:

- (c) That an open public inquiry be undertaken to ensure that any sale of land with specific reference to the 1987 sale by J. I. Case Canada to the Hamilton Harbour Commission in which Mr. P. Lush declared a conflict of interest complied in all respects with the Hamilton Harbour Commissioners Act of 1912 which reads in part:

"The Corporation shall not have any transaction of any pecuniary nature, either in buying or selling, with any member thereof, directly or indirectly."

and further, that Hamilton City Council request an immediate meeting with the Prime Minister of Canada to discuss and review harbour issues and concerns, and that a copy of this resolution be forwarded to all local MP's and that all local MP's including Shirley Martin, Geoff Scott and Bill Kempling be invited to meet with City Council to discuss matters relating to Hamilton Harbour.

10/09/90

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Appendix "A" as referred to in
Section 13 of the TWENTY-THIRD
Report of the Finance and
Administration Committee for 1990.

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Mr. Gene Abel	Parking Control Supervisor (N-2)	Traffic	Additional Staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	24/09/90
Ms. Juanita Bolus	Stenographer IV (E-2)	Building	Replacing Ms. J. Paris - retired	\$19,756.36 to \$21,283.60	\$19,756.36 per annum (1 of 3)	04/09/90
Ms. Nancy Buttrum	Typist Clerk II (E-2)	City Clerk	Replacing Ms. H. Caffery - promoted	\$19,756.36 to \$21,283.60	\$19,756.36 per annum (1 of 3)	17/09/90
Ms. Helen Caffery	Junior Cost Control Clerk (A-3)	Culture & Recreation	Replacing Ms. H. Groeneveld - resigned	\$22,945.00 to \$26,065.52	\$22,945.00 per annum (1 of 4)	17/08/90
Mr. Carl Capuano	Refrigeration/Ac Technician (M-17)	Central Utilities Plant (Division of H.E.C.F.I.)	Replacing Mr. L. Taylor - resigned	\$38,744.16	\$38,744.16 per annum (1 of 1)	10/09/90
Mr. John Coliver	Landscape Designer (D-20)	Public Works	Additional Staff - Council approved June 26, 1990	\$38,405.64 to \$43,982.64	\$42,786.64 per annum (5 of 7)	10/09/90
Mr. Robert Delconte	Foreman/woman III (13-C)	Public Works	Replacing Mr. G. MacDonald - resigned	\$31,320.62 to \$35,969.44	\$33,645.04 per annum (2 of 3)	31/07/90
Ms. Catherine Franceschini	Administrative Assistant IV (Q)	Culture & Recreation	New Position - Approved 1990 Budget	\$25,174.76 to \$29,675.36	\$25,174.76 per annum (1 of 5)	10/09/90
Mr. Timothy Huckerby	Custodian (Military Museum) (B-2)	Historical Sites	Replacing Mr. S. Campbell - resigned	\$23,356.84 to \$25,195.56	\$23,356.85 per annum (1 of 2)	17/09/90

Prepared 25/09/90

**THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Linda Hunter	Control Room Clerk (PA-6)	Parking Authority	Replacing Ms. M. Vanderworp - resigned	\$19,259.76 to \$20,185.36	\$19,259.76 per annum (1 of 2)	25/09/90
Ms. Doreen Johnson	Administrative Assistant IV (Q)	Culture & Recreation	New Position - Approved 1990 Budget	\$25,174.76 to \$29,675.36	\$25,175.76 per annum (1 of 5)	10/09/90
Mr. James Kenney	Lieutenant (C-7)	Fire	Replacing Mr. A. Agostinelli -promoted	\$51,063.31	\$51,063.31 per annum (1 of 1)	10/06/90
Mr. Raymond Lepoidevin	Parking Control Supervisor (N-2)	Traffic	Additional staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	24/08/90
Mr. Bradley McCoy	Parking Congrol Supervisor (N-2)	Traffic	Additional staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	24/08/90
Ms. Catherine McDougall	Clerk Typist III (E-1)	Culture & Recreation	Replacing Ms. L. Zajac - promoted	\$18,773.56 to \$20,182.24	\$18,773.56 per annum (1 of 3)	17/09/90
Mr. William Moffat	Property Officer (A-9(A))	Real Estate	Replacing Mr. K. Nutley - promoted	\$31,019.56 to \$36,986.04	\$31,019.56 per annum (1 of 5)	03/09/90
Ms. Loretta Zajac	Typist Clerk II (E-2)	Culture & Recreation	Replacing Ms. C. Franceschini -promoted	\$19,756.36 to \$22,017.32	\$19,756.36 per annum (1 of 4)	10/09/90
Mr. Joe Zizek	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. T. Verge -promoted	\$28,593.76 to \$29,009.76	\$28,593.76 per annum (1 of 2)	13/09/90

Prepared 25/09/90

10/09/90

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THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Adam Marynowicz	Gardener I	Public Works	Resigned	7 years, 1 month	07/09/90
Mr. Gary McDonald	Foreman III (Districts)	Public Works	Resigned	1 year, 5 months	21/09/90
Ms. Cheryl Paul	School Crossing Guard	Traffic	Resigned	1 years, 8 months	07/09/90
Ms. Lisa Pickett	Historical Interpreter	Culture & Recreation	Resigned	1 month	03/09/90
Mr. John Riches	Rink Attendant	Public Works	Resigned	2 years, 3 months	07/09/90
Mr. Craig Ruscinaki	Operator Central Utilities	Central Utilities Plant (Division of H.E.C.F.I.)	Resigned	6 years, 1 month	09/09/90
Ms. Grace Smith	School Crossing Guard	Traffic	Resigned	3 years, 3 months	28/06/90
Ms. Victoria Walker	Cleaner	Property	Terminated	35 years, 9 months	14/09/90
Ms. Monique Vandeworp	Control Room Clerk	Parking Authority	Resigned	1 year, 11 months	19/09/90

Prepared 25/09/90

10/09/90

10/09/90

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Require:

THE INSTALLATION OF SMOKE ALARMS AND EMERGENCY LIGHTING

WHEREAS Section 210 of the Municipal Act, R.S.O. 1980, Chapter 302 provides that the City of Hamilton is authorized to pass by-laws,

- 24. For providing...fire protection services...
- 37. For requiring buildings...to be put in a safe condition to guard against fire or other dangerous risk or accident.
- 39. For authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the by-law.
- 42. For making such other regulations for preventing fires and the spread of fires as the council considers necessary;

AND WHEREAS Section 104 of the Municipal Act, empowers the Council to pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act as may be deemed expedient and not contrary to law;

AND WHEREAS The City of Hamilton Act 19, which authorizes the Council of The Corporation of the City of Hamilton to enact by-laws to require owners of buildings containing residential occupancies to install smoke alarms and emergency lighting received Royal Assent on the day of 19.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Definitions 1. In this by-law,

- (a) "basement" means any storey below the first storey measured from the top of each floor to the top of the floor next below;
- (b) "City" means The Corporation of the City of Hamilton;
- (c) "dwelling unit" means a room or suite of rooms operated as a housekeeping unit that is used or intended to be used as a domicile by one or more persons and that contains at least one or more of the following facilities: cooking, eating, living, sleeping or sanitary facilities;
- (d) "Fire Chief" means the Chief of the Fire Department of the City;
- (e) "Fire Prevention Inspector" means a member of the Fire Prevention Division of the Fire Department of the City and includes the Fire Chief and any other member of the Fire Department designated by the Fire Chief;

- (f) "occupant" means any person, firm or corporation who is jointly responsible with the owner in respect of the property under consideration over which the occupant has control;
- (g) "owner" includes any person, firm or corporation for the time being managing or receiving rent for the land or premises in connection with which the word is used, whether on his own account or as an agent, trustee or representative, or any other person who would so receive the rent if such land were leased including an owner, occupier, or any person to whom rent is payable;
- (h) "residential occupancy" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained, but does not include second level lodging houses as defined by City of Hamilton By-law No. 80-259;
- (i) "smoke alarm" means a battery or electrically powered combined smoke detection device and audible alarm device that,
 - i) is designed to sound an alarm upon detection of products of combustion; and
 - ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
 - iii) has been approved by the Underwriters' Laboratories of Canada and, where electrically powered, also by the Canadian Standards Association;
- (j) "storey" means that portion of a building that is situated between the floor and the ceiling above it.

Application 2. The provisions of this by-law do not apply to matters governed by provincial legislation, including the Ontario Building Code Act, the Fire Marshals Act, the Hotel Fire Safety Act, all amendments thereto and regulations thereunder and the provisions of this by-law are to be construed accordingly.

Installation 3. Every owner of a building containing a residential of Smoke Alarms occupancy shall install or cause to be installed one smoke alarm in each dwelling unit, and in each sleeping room not within a dwelling unit, in accordance with Sections 5 and 6.

Maintenance of Smoke Alarms 4. Every occupant of a dwelling unit shall maintain the smoke alarm in operating condition at all times during occupancy in accordance with the manufacturer's instructions.

Installation of Smoke Alarms 5. Every smoke alarm shall be installed on or near the ceiling in accordance with the manufacturer's instructions and shall be located,

- (a) between each sleeping area and the remainder of the dwelling unit; or
- (b) in the hallway, where a sleeping area is served by a hallway belonging to the dwelling unit; or

- (c) in the path of exit travel on any storey not containing a sleeping area; or
 - (d) in the sleeping area.
- Electrically Powered Smoke Alarms 6. (1) Every installed electrically powered smoke alarm shall be equipped with visual indication that it is in operating condition.
- Ibid. (2) No installed electrically powered smoke alarm shall have a switch between the smoke alarm and the power distribution panel.
- Ibid. (3) Every installed electrically powered smoke alarm shall be permanently mounted on a standard outlet box on the ceiling or on the walls between six inches and twelve inches below the ceiling, in accordance with Section 5.
- Hallway Smoke Alarms 7. Every owner of a building over three storeys in height containing dwelling units, shall install and maintain smoke alarms in the hallway of every storey of the building, in accordance with the manufacturer's specifications.
- 8. Every owner shall supply a smoke alarm which emits a strobe light as well as an audible signal, when activated, for any hearing impaired occupant, who requests such a smoke alarm from the owner.
- Emergency Lighting 9. (1) Every owner of a building over three (3) stories in height, containing dwelling units, shall install an emergency lighting system in every means of egress.
- (2) The emergency lighting system shall:
 - (a) provide illumination for at least the period of time prescribed in The Building Code for the classification of the building, (Ontario Regulation 419/86, as amended), and
 - (b) be supplied by a source of energy which is separate from the primary electrical supply for the building, and
 - (c) be designed to automatically commence when power to the building is interrupted, and
 - (d) provide illumination at an average level of at least 10 lux at floor level or 1 watt/m of floor space.
- Inspection 10. Every Fire Prevention Officer may, upon the complaint of a person interested, or when the Fire Prevention Officer considers it necessary to do so, without such complaint, inspect all dwelling units, and for such purpose may at all reasonable hours enter into and upon the building or premises containing the dwelling units for the purpose of examination and ascertaining whether provisions of this by-law have been obeyed and to enforce or carry into effect the by-law.

11. (1) Where a Fire Prevention Inspector ascertains that an owner has not complied with Section 3, Section 5, Section 6, Section 7, or Section 8, the Fire Prevention Inspector may serve a notice personally or by registered mail upon the owner at the owner's last known address, requiring the owner to comply, and where service is by registered mail, the service shall be deemed to have been made on the fifth day after the date of mailing.
- Ibid. (2) Where a Fire Prevention Inspector ascertains that an occupant has not complied with Section 4, the Fire Prevention Inspector may serve a notice to comply in writing, personally or by registered mail upon the occupant, requiring the occupant to comply, and where service is by registered mail, the service shall be deemed to have been made on the fifth day after the date of mailing.
- Content of Notice 12. The notice to comply shall contain the following information:
1. Name and address of person upon whom notice is served.
 2. Address of premises.
 3. Reasonable particulars of the requirements of this by-law respecting which there is non-compliance and the provisions of this by-law relating thereto.
 4. A requirement that the person served shall remedy the non-compliance forthwith.
- Penalty 13. (1) Every person who fails to remedy the non-compliance set out in the notice to comply on or before the specified date is guilty of an offence and liable to a fine of not more than \$1,000.00.
- (2) Where a corporation is convicted of an offence under section 11(1), the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.
- Commencement 14. This by-law comes into force and effect on the day of 1990.
- Short Title 15. The short title of this by-law is "The Smoke Alarm By-law"
16. By-law No. 86-253 is hereby repealed in its entirety on the date this by-law comes into force.

PASSED this day of A.D. 1990.

City Clerk

Mayor

Appendix "C" as referred to in
Section 18 of the TWENTY-THIRD
Report of the Finance and
Administration Committee for 1990.

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10/09/90

City of Hamilton
Treasury

'496(a)' APPLICATIONS

A - Out of Business	E - Overcharged (Clerical Error)
B - Reduced Space	F - Undercharged (Clerical Error)
C - Fire, Demolition, Otherwise	G - Tax Exempt
D - Mill Rate Conversion	

<u>Application</u> <u>Number</u> (1)	<u>Roll Number</u> (2)	<u>Appeal</u> <u>Year</u> (3)	<u>Reason for</u> <u>Appeal</u> (4)	<u>Tax</u> <u>Cancellations</u> (5)
<u>REALTY</u>				
00312	010 1035 1230	1987	G	\$ 3,273.14
00313	030 2050 6300	1988	C	.00
00314	030 2060 2020	1988	C	442.26
00318	010 0440 1030	1988	C	25.73
00320	060 5930 1149	1988	E	.00
00321-A	010 0210 2340	1988	E	342.82
10133	020 1540 0880	1989	E	\$ 1,666.66
10134	070 8820 0460	1989	D	260.26
10138	040 3325 6410	1989	E	15.30
10139	040 3325 6410	1989	D	241.56
10140	040 3325 6410	1989	D	782.32
10141	050 3610 0910	1989	C	441.00
10142	081 0410 1050	1989	G	<u>5,021.22</u>
				<u>\$12,512.27</u>

BUSINESS

00315	020 1550 2650 0020 891 2 17 1988	A	1,267.07
00316	050 4610 0040 0060 891 2 03 1988	A	263.52
00317	050 4610 0040 0061 891 2 03 1988	A	56.12
00319	030 2375 0880 0180 881 2 1988	A	566.79
00321	010 0210 2340 0010 881 1988	E	209.46
00322	010 0110 8020 0040 882 2 01 1988	A	2,013.72
00323	050 4010 8800 0020 901 1 1988	E	<u>.00</u>
			<u>\$ 4,376.68</u>

TOTAL	\$16,888.95
	=====

1990 August 30

DW/ce

10/09/90

ROBERT M. MORROW
MAYOR

Appendix "D" as referred to in
-3175-Section 27 of the TWENTY-THIRD
Report of the Finance and
Administration Committee for 1990.



1990 March 20

Honourable Doug Lewis, P.C., M.P.
Minister of Transport
Transport Canada Building
Place de Ville
Ottawa, Ontario
K1A 0N5

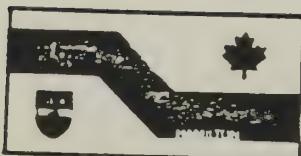
Honourable Sir:

I am writing to inform you that the Council of the Corporation of the City of Hamilton at its meeting held 1990 March 13 adopted the following resolutions regarding matters relating to the Hamilton Harbour Commission.

- (a) That City Council call upon the Federal Government to revisit the recommendations made by the City's "Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioner dated January 1989" with specific reference to the structure and composition of the Hamilton Harbour Commissioners.
- (b) That the Federal Government be requested to direct the Chairman of the Hamilton Harbour Commission to refrain from private involvement in any real estate transactions involving the Commission or alternatively that he be directed to resign from the Commission, and
- (c) That an investigation be undertaken to ensure that the 1987 sale of land by J. I. Case Canada to the Hamilton Harbour Commission in which Mr. P. Lush declared a conflict of interest complied in all respects with the Hamilton Harbour Commissioners Act of 1912 which reads in part:

"The Corporation shall not have any transaction of any pecuniary nature, either in buying or selling, with any member thereof, directly or indirectly."

...../2



City Hall,
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone: (416) 546-2790

10/09/90

Page 2

City Council sincerely hopes that every consideration will be given to the recommendations contained in these resolutions.

Yours truly,



Robert M. Morrow
Mayor

c.c. Alderman B. Hinkley, Chairman, Finance and Administration Comm.
Alderman T. Cooke
Ms. P. Noé Johnson, City Solicitor
Mr. C. Furry, Secretary, Hamilton Harbour Commissioners ;

10/09/90

-3177-

NOTICE OF MOTION

Notice of Motion

Alderman V. J. Agro gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

Resolved:

WHEREAS the south side of King Street East has not been successful as a pedestrian mall, and

WHEREAS the merchants on that side of the street have suffered financially because all vehicular traffic is prohibited from 11:00 a.m. to 6:00 p.m., and

WHEREAS the merchants themselves on the south leg have made this request,

BE IT RESOLVED that the prohibition be removed to allow one lane of traffic and some restricted loading zones to allow pick-up and drop offs similar to the privilege recently granted the taxi cabs, and that the present bus depots be not interfered with; and

FURTHERMORE that this be done on a trial basis for four (4) months.

CAT ON HBL AOS

M21

1990

MEETING OF HAMILTON CITY COUNCIL

Tuesday, October 30, 1990

7:30 o'clock p.m.

Council Chamber

The Council met.

PRESENT: Robert M. Morrow, Mayor
Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley,
D. Drury, G. Copps, D. Agostino, F. Lombardo, T. Jackson,
H. Merling, J. Gallagher, D. Ross, T. Murray

His Worship Mayor Robert M. Morrow called the meeting to order.

Archdeacon John Rathbone, Rector of All Saints Anglican Church led the Council in prayer.

The following presentations were made:

- (a) Mayor's Award of Merit to Cliff Dumas
- (b) Certificate of Appreciation to the City of Hamilton from Mohawk College for the Contribution to the Diploma Program in Recreation Leadership.

His Worship Mayor Robert M. Morrow read the following Proclamations:

- (a) Diabetes Month - November 30, 1990
- (b) "Mums Touchdown Time" - Mum Show Committee - Opening Ceremonies

The Minutes of the meeting of October 9, 1990 were taken as read and approved.

The following communications were received:

1. Letter from the Mr. Raymond Lauze, 1211 Garthdale Court, Oakville, Ontario dated September 29, 1990 respecting Native Rights.

**Referred to the Finance
and Administration Committee**

2. Resolution from the City of Etobicoke respecting the Revitalization of the Etobicoke Waterfront and the Crombie Commission Report on the Future of the Toronto Waterfront.

**Referred to the Planning and
Development Committee**

3. Letter from the City of Toronto respecting the Implementation and Enforcement of the CFC (Chlorofluorocarbon) By-law.

**Referred to the Transport and
Environment Committee**

4. Resolution from the City of North York respecting the Goods and Services Tax - Federal Government.

**Referred to Finance and
Administration Committee**

5. Application from Presbyterian Residences (Hamilton) Inc., c/o 1015 - 135 James Street South, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "DE" (low Density Multiple Dwellings) District for property on the west side of Rice Avenue, South of Chedmac Drive.

Received

6. Application from Britannia Decorating and Painting Limited, 179 Stone Church Road West, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for 179 Stone Church Road West.

Received

7. Application from Frederick and Gwynette Seymour, 60 West Avenue South, Hamilton, Ontario for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc) District for 70 West Avenue South.

Received

8. Application from Don Peppino Foods Inc., c/o 900 - 105 Main Street East, Hamilton, Ontario for a modification to the "M-12" (Prestige Industrial) District regulations for property located at 1515 Upper Ottawa Street.

Received

9. Application from Chrysler Canada Limited, P.O. Box 1621, Windsor, Ontario for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District modified for lands located north of Stone Church Road West and west of Upper James Street.

Received

10. Application from Luciano Scornaienchi, 177 Annabelle Street, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for 1258 Upper Wentworth Street.

Received

11. Application from Badima & Bosc Corporation, 19 Aikman Avenue, Hamilton, Ontario for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for 19 Aikman Avenue.

Received

12. Application from Cynthia Watson, 52 Muscot Drive, Stoney Creek, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District for 111 Prospect Street South.

Received

13. Application for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for 623 Upper James Street.

Received

14. Letter (undated) received today (October 30, 1990) from Dr. G. Lewis respecting smoking in public facilities.

**Referred to Finance and
Administration Committee**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Reports, with Alderman Agro in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTEENTH REPORT.

It was moved by Alderman Merling and seconded by Alderman Jackson

RESOLVED: That Rule No. 8 of Procedural By-law No. 82-208 be invoked for the meeting of City Council in order to permit consideration of a resolution respecting improvements to Glover Road. CARRIED.

It was moved by Alderman Merling and seconded by Alderman Jackson

RESOLVED: That the following be added as Section 15 of the Fourteenth Report of the Transport and Environment Committee

15. That the Public Works Department be authorized and directed to resurface Glover Road from Rymal Road to the South City Limits at a cost of \$80 000.00, the work to be undertaken as part of the 1990 Road Reconstruction Programme.

CARRIED.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Lombardo

RESOLVED: That Section 3 of the Twelfth Report of the Transport and Environment Committee adopted by City Council on September 25, 1990, authorizing the Public Works Department to reimburse citizens for a four foot extension to wooden fences along the western side of the Sanatorium Yard at 2418 Barton Street, East, be reconsidered.

CARRIED.

It was moved by Alderman Merling and seconded by Alderman Lombardo

RESOLVED: That Section 3 of the Twelfth Report of the Transport and Environment Committee be referred back. CARRIED.

* * * * *

PARKS AND RECREATION COMMITTEE - NINETEENTH REPORT

Section 14 - Re: Fit Trek Delegation - U.S.S.R. - Penza
- November 16 - 25, 1990

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Copps,
Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 14.

NAYS: Alderman Kiss - 1. **CARRIED.**

* * * * *

PLANNING AND DEVELOPMENT COMMITTEE - EIGHTEENTH REPORT

* * * * *

PLANNING AND DEVELOPMENT COMMITTEE - NINETEENTH REPORT

* * * * *

INFORMATION SYSTEMS COMMITTEE - SIXTH REPORT

Section 1 Re: Authorizing copies of Word Perfect, Word Processing Software to be made
available to Boards of Education.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Copps,
Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 14.

NAYS: Alderman Kiss - 1. **CARRIED.**

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-FOURTH REPORT

Section 19 Re: Approval of PARCIL Project, Phase I Project

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Lombardo,
Jackson, Gallagher, Ross, Murray. - 11.

NAYS: Aldermen Kiss, Copps, Agostino, Merling. - 4. **CARRIED.**

* * * * *

Section 20 Re: Method of Financing PARCIL Project, Phase I

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Lombardo, Jackson, Gallagher, Ross, Murray. - 11.

NAYS: Aldermen Kiss, Copps, Agostino, Merling. - 4. CARRIED.

* * * * *

Section 21 (a) Re: Authorizing the City Solicitor to undertake the preparation of a draft by-law to regulate the sale of tobacco products to minors.

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: That Sub-section (a) of Section 21 of the Twenty-Fourth Report of the Finance and Administration Committee be amended by deleting all wording after the word "minors" in the third line. CARRIED.

* * * * *

Section 21 (b) Re: Authorizing the City Solicitor to draft a new by-law for regulating smoking in public places.

It was moved by Alderman Lombardo and seconded by Alderman Agostino

RESOLVED: That Sub-section (b) of Section 21 of the Twenty-Fourth Report of the Finance and Administration Committee be amended by deleting all wording following the words "public places" in the second line.

Recorded Vote:

YEAS: Aldermen Cooke, Kiss, Agro, Hinkley, Copps, Agostino, Lombardo, Ross. - 8.

NAYS: Mayor Morrow, Aldermen McCulloch, Drury, Merling, Gallagher, Murray. - 6. CARRIED.

Recorded vote on Section 21 (b) as amended

YEAS: Aldermen Cooke, Kiss, Agro, Hinkley, Copps, Agostino, Lombardo, Ross. - 8.

NAYS: Mayor Morrow, Aldermen McCulloch, Drury, Merling, Gallagher, Murray. - 6. CARRIED.

Alderman Jackson declared personal interest in, took no part in the debate and refrained from voting on Section 21 (b) as he is the owner of two coffee shops in the City which could be affected by this by-law.

* * * * *

Section 21 (c) Re: Holding of public meetings to receive input on draft by-laws.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Sub-Section (c) of Section 21 of the Twenty-Fourth Report of the Finance and Administration Committee be amended by adding the words "as amended" following the word "above" in the second line. CARRIED.

* * * * *

It was moved by Alderman Hinkley and seconded by Alderman Ross

RESOLVED: That Rule No. 8 of Procedural By-law 82-208 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the official Kickoff/City Council Reception to announce Hamilton's Hosting of the Ontario Games for the Physically Disabled. CARRIED.

It was moved by Alderman Hinkley and seconded by Alderman Ross

RESOLVED: That the following be added as Section 26 of the Twenty-Fourth Report of the Finance and Administration Committee:

26. That the Organizing Committee for the Ontario Games for the Physically Disabled through the Department of Culture and Recreation, receive approval to obtain Special Occasion Permit to host a wine and cheese reception on 1990 November 10, 4:30 - 5:30 p.m., City Hall 2nd Floor Foyer for the official Kickoff/City Council Reception to announce Hamilton's Hosting of the Ontario Games for the Physically Disabled. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Alderman McCulloch be appointed Acting Mayor for the month of November, 1990. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: That staff be directed to prepare the 1991 budget estimates on the basis of a zero percent increase over the 1990 estimates for the City of Hamilton.

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: That the motion respecting the 1991 Budget Estimates be amended by adding the following:

- That cuts in services be proposed to Committees to achieve a zero increase in budget allocations;
- That in the event that Committees and/or Council approve an increase over the 1990 budget allocations, it be limited to the projected rate of inflation for 1991.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

Recorded Vote on Alderman Gallagher's motion as amended

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: That staff be directed to prepare the 1991 budget estimates on the basis of a zero percent increase over the 1990 estimates for the City of Hamilton.

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: That the motion respecting the 1991 Budget Estimates be amended by adding the following:

- That cuts in services be proposed to Committees to achieve a zero increase in budget allocations;
- That in the event that Committees and/or Council approve an increase over the 1990 budget allocations, it be limited to the projected rate of inflation for 1991.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

Recorded Vote on Alderman Gallagher's motion as amended

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Agro and seconded by Alderman Kiss

RESOLVED: WHEREAS the south side of King Street East has not been successful as a pedestrian mall, and

WHEREAS the merchants on that side of the street have suffered financially because all vehicular traffic is prohibited from 11:00 a.m. to 6:00 p.m. and

WHEREAS the merchants themselves on the south leg have made this request,

BE IT RESOLVED that the prohibition be removed to allow one lane of traffic and some restricted loading zones to allow pick-up and drop offs similar to the privilege recently granted the taxi cabs, and that the present bus depots be not interfered with; and

FURTHERMORE that this be done on a trial basis for four (40 months.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Hinkley, Drury, Copps, Agostino, Ross. - 8.

NAYS: Aldermen Cooke, McCulloch, Lombardo, Jackson, Merling. - 5 CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills be now read a first time:

A-129, A-130, A-131, A-132, A-133, A-134,
A-135, A-136.

B-105.

C-145, C-146, C-147, C-148, C-149, C-150
C-151, C-152, C-153.

H-111.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Agostino, Lombardo, Jackson, Merling, Ross. - 13.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Agro in the chair. (second reading)

A-129, A-130, A-131, A-132, A-133, A-134,
A-135, A-136.

B-105.

C-145, C-146, C-147, C-148, C-149, C-150
C-151, C-152, C-153.

H-111.

Recorded vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,
Lombardo, Jackson, Merling, Ross, Murray. - 13.

NAYS: 0 - CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that

RESOLVED: That the Report of the Committee of the Whole (second reading) on the Bills, be
adopted. -

Recorded vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps,
Lombardo, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws

A-129, A-130, A-131, A-132, A-133, A-134,
A-135, A-136.

B-105.

C-145, C-146, C-147, C-148, C-149, C-150
C-151, C-152, C-153.

H-111.

Recorded vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Lombardo, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

* * * * *

City Council then adjourned at 9:50 o'clock p.m.

10/30/90

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **FOURTEENTH** Report for 1990 and respectfully recommends:

1. That Council reaffirms its original position respecting GO Train Service to Hamilton and resolves as follows:

THAT WHEREAS all projects of Ontario Government Ministries and Agencies must conform to the Environmental Assessment Act; and

WHEREAS lengthy delays for approval of the GO Train Project for Hamilton would result in a negative economic impact on the City of Hamilton and surrounding communities;

NOW THEREFORE BE IT RESOLVED that the City of Hamilton petition the Provincial Government; the Honourable Bob Rae, Premier of Ontario; and the Honourable Ruth Grier, Minister of the Environment to review the current timetable for the release of the Environment Review to ensure that the project to provide GO Train Service to Hamilton is proceeded with in an expedient fashion.

2. (a) That an Offer to Purchase executed by the Regional Officials on September 24, 1990 and scheduled for closing on or before January 7, 1991 for the purchase of part of the property at 957 Upper Paradise Road for the sum of \$1.00, required for road widening purposes be approved and completed.

NOTE: Subject parcel has a frontage along the easterly limit of Upper Paradise Road of 180.966 metres (593.72 feet), more or less, by a depth of 5.182 metres (17 feet), more or less, shown as Part 5 and part of Part 6 on Plan 62R-10593. The purchase price of \$1.00 is to be credited to Account No. CH4X501 00102 (Sale of Land - Property Purchases).

- (b) It is understood and agreed that this parcel of land is being sold to the Region for the widening of Upper Paradise Road.

10/30/90

3. (a) That the Public Works Department encourage businesses, fast food outlets and variety stores to assist in dealing with the litter and paper problem by supplying litter containers at strategic locations on the road allowance where the owner of a business will agree to empty the litter container regularly (daily).
- (b) That \$10,000.00 be transferred from Account No. 60510 56339 Water Delivery to a new Account No. 60128 56210 Fabrication of Litter Containers.
4. That the Country Music Week '91 Committee be permitted to display a promotional banner across Main Street West in front of City Hall, from Monday, August 12, 1991 to Monday, August 19, 1991, with the following message:

"COUNTRY MUSIC WEEK '91
SEPTEMBER 9-15"

5. That the Mayor and City Clerk be authorized and directed to execute the necessary documents for the discharge of the Grading and Maintenance of Streets and Culverts Agreement registered on title as Instrument No. 429194 at 143 Chesley Street, Hamilton.
6. (a) That the construction of a combined curb and concrete sidewalk with an asphalt granular base roadway on part of Ridge Street from Chipman Avenue to approximately 57m south, be proceeded with as a local improvement pursuant to Section 12 of the Local Improvement Act.
- (b) That the Commissioner of Engineering be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.
- (c) That the City Clerk and City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.

NOTE: Financing for this project has been previously dealt with.

10/30/90

7. (a) That the following City lands be incorporated into various streets as follows:
- | | |
|-----------------------|-------------------------------|
| Mount Pleasant Avenue | Part 1, Plan 62R-10413 |
| Donn Avenue | Part of Part 6, Plan 62R-9499 |
| Highridge Avenue | Part of Part 6, Plan 62R-9499 |
| Donn Avenue | Part 10, Plan 62R-9499 |
- (b) That the By-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by City Council.
- (c) That the Commissioner of Engineering be authorized and directed to register the By-laws.
8. (a) That the City grant permission to the Board of Education to cross Part 13 (0.30m reserve) on Reference Plan 62R-11311 at the south limit of Upper Wentworth Street in order that they may maintain their interior lands.
- (b) That the Mayor and City Clerk be authorized to execute the necessary documents, with the Board of Education, to grant permission for the Board to cross the 0.30m reserve.
9. (a) (i) That the City Solicitor be directed to prepare a By-law requesting CP Rail to stop train whistling at the grade crossing situated at Greenhill Avenue, Hamilton - CP Rail Fort Erie Subdivision, Mileage 51.90 (formerly, 31.99, Welland Subdivision);
- (ii) That the City Solicitor be directed to make an application to the National Transportation Agency under Sub-section 230 (1) of the Railway Act for an order requiring CP Rail to stop train whistling at the grade crossing situated at Greenhill Avenue, Hamilton - CP Rail Fort Erie Subdivision, Mileage 51.90 (formerly, 31.99 Welland Subdivision);
- (b) That the Minister of Transport Canada be petitioned by City Council to issue an order under the authority of the Railway Safety Act or the Transport Act, or whatever other legislation may be appropriate requiring CP Rail to stop train whistling at the grade crossing situated at Greenhill Avenue, Hamilton - CP Rail Fort Erie Subdivision, Mileage 51.90 (formerly, 31.99 Welland Subdivision) or, in the alternative, to request the Governor in Council to issue such an order.

10/30/90

10. That the School Crossing Guard which was assigned to the intersection of Southbend Road and Upper Wellington Street on a temporary basis, be retained permanently.
11. That the application of Mr. Gary Bennett, Manager of Sunrise Lodge Retirement Home, to lease a portion of the boulevard Park Street South adjacent to Nos. 160 - 164 Park Street South, be approved provided that:
 - (a) The applicant pays the annual fee in accordance with the fee structure approved by City Council on March 25, 1986 (current rate is \$53.35 per year) plus taxes, if any in addition to the \$10.00 encroachment insurance approved by City Council on February 14, 1984.
 - (b) The owner pays a one-time \$25.00 registration, as approved by City Council on January 14, 1986.
 - (c) The owner pays a one-time \$160.05 processing fee, as approved by City Council on March 27, 1990.
 - (d) The owner complies with the requirements as set out in the policy approved by City Council on June 24, 1975, respecting using a portion of the road allowance for parking purposes.
 - (e) The driveway approach, parking area and other structures, as approved by the Director of Traffic Services, be constructed and maintained at the owner's expense.
 - (f) The owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, cost, damages, expenses and loss.

10/30/90

12. That the application by Graham Sales and Leasing to lease a portion of the boulevards on East 33rd Street and Crockett Street adjacent to No. 63 East 33rd Street, be approved provided that:
 - (a) The applicant pays the \$320.10 annual fee in accordance with the fee structure approved by City Council on March 25, 1986, in addition to the \$10.00 encroachment insurance charge approved by City Council on February 14, 1984.
 - (b) The owner pays a one time \$25.00 registration fee as approved by City Council on January 14, 1986.
 - (c) The owner pays a one time \$160.05 processing fee, as approved by City Council on March 27, 1990.
 - (d) The owner complies with the requirements as set out in the policy approved by City Council on June 25, 1975, respecting using a portion of the road allowance for parking purposes.
 - (e) The parking area be constructed and maintained at the owner's expense.
 - (f) The owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims demands, costs, damages, expenses and loss.
13. That the City Traffic By-law No. 89-72 be amended to provide the following:
 - (a) That a policy be adopted to allow residents who are confined to their homes such that they rely on others for essential services, to obtain, at no charge, special parking permits which they may give their attendants to allow them to park their vehicles within existing "Permit Parking" areas in the block in front of the applicants' homes, for a maximum length of time of two hours, while the services are being performed.
 - (b)
 - (i) That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m. Monday to Friday" regulation be implemented on the north side of Laurier Avenue between Columbia Drive and Delmar Drive; and
 - (ii) That a "No Stopping" regulation be implemented on the south side of Laurier Avenue commencing at a point 138 feet east of Columbia Drive and extending to a point 175 feet easterly therefrom.

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- (c) That the existing "30 minute Parking Time Limit; 7:00 a.m. to 5:00 p.m. Monday to Saturday" regulation on the east side of MacNab Street North between Mulberry Street and Colbourne Street, be revised such that the regulation is in effect 24 hours a day, Monday to Saturday.
- (d) That the "Permit Parking" regulation approved for the west side of Grosvenor Avenue North commencing at a point 236 feet north of Dunsmure Road and extending to a point 23 feet northerly therefrom, not be implemented.
- (e)
 - (i) That a "No Stopping" corner clearance be implemented on the east side of Glen Echo Drive commencing at Loyalist Drive and extending to a point 68 feet northerly therefrom; and
 - (ii) That a "No Stopping" corner clearance be implemented on the east side of Glen Echo Drive commencing at Loyalist Drive and extending to a point 118 feet southerly therefrom.
- (f) That the existing "No Stopping" regulation on the west side of Emerald Street North between Robert Street and a point 52 feet southerly therefrom, be rescinded to allow unrestricted parking in this area.
- (g)
 - (i) That a "Permit Parking" regulation be implemented on the south side of Burton Street commencing at a point 104 feet east of Emerald Street North and extending to a point 22 feet easterly therefrom; and
 - (ii) That the Director of Traffic Services be authorized to issue, upon request, one parking permit to Mr. Stanley Skizek, 68 Burton Street.
- (h)
 - (i) That a School Bus Loading Zone, 7:00 a.m. to 6:00 p.m. Monday to Saturday" regulation be implemented on the south side of Lawnhurst Drive commencing at a point 156 feet west of the west curblin of the east leg of Lawnhurst Drive and extending to a point 120 feet westerly therefrom; and
 - (ii) That the existing school bus loading zone on the north side of Limeridge Road East from a point 21 feet west of the east curblin of Leggett Crescent to a point 125 feet westerly therefrom be rescinded.

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- (i) (i) That a "No Stopping", School Bus Loading Zone" regulation be implemented on the south side of Bendamere Avenue commencing at a point 50 feet west of Columbia Drive and extending to a point 80 feet westerly therefrom; and
- (ii) That a "No Stopping, School Bus Loading Zone" regulation be implemented on the south side of Bendamere Avenue commencing at a point 210 feet west of Columbia Drive and extending to a point 40 feet westerly therefrom; and
- (iii) That a "No Stopping, School Bus Loading Zone" regulation be implemented on the south side of Bendamere Avenue commencing at a point 322 feet west of Columbia Drive and extending to a point 120 feet westerly therefrom.
- (j) That eastbound traffic on Rowena Court be required to stop for northbound and southbound traffic on Quaker Crescent.
- (k) That eastbound traffic on Florence Street be required to stop for northbound and southbound traffic on Ray Street.
- (l) (i) That an all-way stop control be implemented at the intersection of Bay Street North and Strachan Street.
- (ii) That an all-way stop control be implemented at the intersection of MacNab Street North and Burlington Street.
- (iii) That a 3-way stop control be deleted at the intersection of Bay Street North and Macauley Street West.

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14. That leave be granted to introduce the following Bills:

- | | |
|-------------------|---|
| Bill A-129 | A By-law to Incorporate the Southerly 81 Metres of Part 1 on Plan 62R-10413 into Mount Pleasant Avenue |
| Bill A-130 | A By-law to Incorporate Part of Part 6, Plan 62R-9499 into Donn Avenue |
| Bill A-131 | A By-law to Incorporate Part of Part 6, Plan 62-9499 into Highridge Avenue |
| Bill A-132 | A By-law to Incorporate Part 10, Plan 62R-9499 into Donn Avenue |
| Bill A-133 | A By-law to Amend By-law No. 89-72 to Regulate Traffic |
| Bill A-134 | A By-law to Amend By-law No. 89-72 to Regulate Traffic |
| Bill A-135 | A By-law to Amend By-law No. 89-72 to Regulate Traffic |
| Bill A-136 | A By-law to Amend Traffic By-law No. 89-72, Parking of Motor Vehicles on Private and Municipal Property No. 89-75, Fire Routes By-law No. 89-73
Respecting Parking Violation Penalties |

*15. That the Public Works Department be authorized and directed to resurface Glover Road from Rymal Road to the South City Limits at a cost of \$80,000.00, the work to be undertaken as part of the 1990 Road Reconstruction Programme.

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Tina Agnello, Secretary
October 22, 1990**

** Section 15 added during City Council*

10/30/90

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **NINETEENTH** Report for 1990 and respectfully recommends:

1. (a) That in order to focus on "Arts in Hamilton", approval be given to present the 1990 and 1991 "Hamilton Arts Awards" during Arts Awareness Month, May 1991.

 (b) That funds for the 1990 Art Award in the amount of \$500 be set up for payment in 1991.
2. That until such time as the public art policy draft is completed and approved by City Council, the Arts Advisory Sub-Committee provide comments or assistance on public art issues.
3. That the report entitled "Arts Grants Application Review Process", appended hereto as Schedule "A" be approved as an addendum to the Municipal Arts Policy of Hamilton, which was adopted by City Council on 1989 October 10.

 NOTE: This addendum provides for the documentation of the Arts Advisory Sub-Committee's role in reviewing grant applications.
4. That the City of Hamilton do all within their power to see that the proposed Goods and Services Tax (G.S.T.) be waived from all aspects of the Arts Business.
5. (a) That, the City of Hamilton continue with acquisition of lands necessary for the development of the Crown Point East Neighbourhood Priority One Park;
 and

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- (b) That, Crown Point East and McAnulty Neighbourhoods become the next priority under the Parks Expenditure Policy for the purpose of implementing the Provincial P.R.I.D.E. Programme.

NOTE: Phases I and II of the Crown Point East/McAnulty P.R.I.D.E. Programmes have been approved by the Planning and Development Committee for inclusion in the 1991 Capital Budget Submission.

- 6. That a purchase order be issued to Electrical Maintenance Services, Hamilton, in the amount of \$21 112 for Pathway Lighting at Highview Park, corner of East 45th Street and Brucedale Avenue, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Highview Park Redevelopment Account No. 703 5816.

- 7. (a) That approval be given to enter into an encroachment agreement with the Hamilton Street Railway Company (H.S.R.) for a parcel of City owned land located at the north-east corner of Upper Wentworth Street at South Park. The land containing 5.95 square metres (64 square feet), more or less, and for the singular purpose of accommodating a neighbourhood bus shelter.
- (b) That the Mayor and City Clerk be authorized to execute an agreement acceptable to the City Solicitor.

NOTE: It is understood and agreed that removal of the bus shelter is subject to thirty (30) days written notice.

- 8. (a) That the leasing of 122 Province Street to Marie Louise Lamarche be approved. The tenancy is to commence on 1990 September 01 at a one time rental of \$150 due to cleaning and decorating required which has been agreed to be carried out by the Tenant. Commencing 1990 October 01, the monthly rental will be \$375 including taxes of \$1 098.43.
- (b) That the Mayor and City Clerk be authorized to execute the Tenancy Agreement.

NOTE: The property was purchased as part of an assembly for the proposed Crown Point East Park.

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9. (a) That the Hamilton Hornets be permitted to install a portable precast cement storage building measuring 10' x 16' adjacent to the east side of their present clubhouse.
- (b) That the Legal Department be directed to incorporate this storage unit into the contract with the Hamilton Hornets.
10. (a) That the Director of Public Works be authorized and directed to install Park Development Project Information Signs during the construction of park development and facility projects.
- (b) That content of the sign shall advertise the name of the park/project under development; a telephone number to contact for further information; and include following statement(s):

"This Project brought to you by The Taxpayers of the City of Hamilton (and where applicable) in conjunction with the Friends of the Parks Funding Program (and further where applicable and upon agreement) the name of the private funding sources)".
11. That the Volunteer Policy for the Museums of the City of Hamilton Appended hereto as Schedule "B", be approved.
12. That a letter be forwarded to the Minister of Culture and Communications requesting a reassessment of the 1990 Operating Grant for the Hamilton Museum of Steam and Technology.
13. That approval be given to the Children's Museum to issue "Fun" checks (or complimentary admission for another day) for visitors who may not be accommodated at the Museum during public hours due to overcrowding or time restraints.
- * 14. That the Chairman or his designate be authorized to travel with the Fit Trek delegation to the USSR - Penza, 1990 November 16-25, subject to the availability of funds, to participate in preliminary meetings on Sister City Twinning for Fit Trek; to prepare for a Soviet delegation visiting Hamilton in January 1991, and to prepare for any future economic or participation exchanges.

* Recorded vote, see page 3183

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NOTE: For the Information of the Members of Council the Parks and Recreation Committee Chairman has designated the Chairman of Economic Development as the appropriate representative to pursue the economic, planning and Sister City relationships with Penza, USSR.

15. For the information of the Members of City Council the Parks and Recreation Committee appointed Mr. David Doherty as a Citizen Member to the Hamilton Historical Board for the term expiring 1991 November 30.
16. That leave be granted to introduce the following Bill:
Bill B-105 By-law respecting Roxborough Centre Senior Citizens Centre.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 October 23

SCHEDULE "A"

ARTS GRANTS: APPLICATION REVIEW PROCESS

1. PROLOGUE

- 1.1** The Arts Advisory Sub-Committee requests that the City of Hamilton continue to approve the Sub-Committee's role in the review of arts grants applications.
- 1.2** This report will outline the review process from the Sub-Committee's perspective. It is the wish of the Sub-Committee that it fulfil an advisory role to the Parks and Recreation Committee and to Council by providing information and comments, and an advocacy role to the arts community by supporting the excellence, diversity and vitality of the arts in the City of Hamilton.
- 1.3** The Sub-Committee supports the use of City funds for grants to arts organizations. This is consistent with the arts policy's stated principles, i.e.
 - Partnerships
 - Excellence
 - Awareness and Appreciation
 - Fiscal Responsibility
 - Access.

(See attached.)

- 1.4** The original policy objectives 12, 13, 14, 15, 18 (Funding section) are herein revised for presentation as an addendum in the 1990 updated version of "POLICY FOR THE ARTS". (Objectives 12, 13, 14, 15 and 18 are attached for your reference.)

2. CRITERIA OF GRANTS POLICY AND APPLICATION FORM

All Arts Grants applications must meet the criteria as defined in the Grants Application Form.

Applications missing any of the criteria will not be considered for a Grant.

Organizations requesting grants of \$5 000 or more must include an audited financial statement of the previous year's activities.

The Grants Co-ordinator, Treasury Department, screens all applications upon receipt to ensure that criteria are met, e.g.

- applications received on or before the published deadline
- information accurate and complete

3. REVIEW PERIOD

Submitted applications from arts organizations are available at City Hall to members of the Arts Advisory Sub-Committee over a period of three weeks. It is expected that Sub-Committee members will avail themselves of this opportunity to study the documents.

4. REVIEW PROCESS

- 4.1 The information supplied by applicants will be treated in strictest confidence.
- 4.2 The municipal guidelines concerning conflict of interest will be respected. Members of the Sub-Committee with a direct interest in any application for funds will declare this information and abstain from commenting on the application.
- 4.3 Comments from the Sub-Committee will be forwarded to the Grants Co-ordinator and the Grants Review Group in the form of a report. The comments will be based on the following considerations:
 - (a) Need and purpose of City funding: benefits to the organization and to the City of Hamilton if funding is approved; impact on organization if funding is not approved.
 - (b) Managerial and fiscal competence as demonstrated by Board of Directors, professional staff capabilities, strength of volunteer programmes and review of financial documentation.
 - (c) Quality of programmes and/or activities.
 - (d) Ability to attract support as demonstrated by funding from other public and private sources.

5. ROLE OF THE ARTS CO-ORDINATOR

- 5.1 The Arts Co-ordinator will act as a liaison between the Grants Co-ordinator and the Sub-Committee; between the Grants Review Group and the Sub-Committee.
- 5.2 The Arts Co-ordinator will assist the Sub-Committee during the review with provision of information relevant to the grants process.

3.0 POLICY

3.1 Principles

The development of an arts policy for Hamilton was shaped by the following five major considerations:

Partnerships

The City of Hamilton recognizes that it is one agency among many, that it shares responsibility for local arts development, and acknowledges that co-operation with its partners would be in the best interests of all concerned.

Excellence

The City of Hamilton encourages the pursuit of excellence in the creative efforts of individuals and organizations at all levels of artistic activity.

Awareness and Appreciation

The City of Hamilton has a responsibility for enhancing and facilitating the general public's awareness of, and appreciation for, the local arts environment.

Fiscal Responsibility

The City of Hamilton supports all efforts to address the issue of responsible financial management and planning on the part of the arts community in the conduct of its business.

Access

The City of Hamilton has a role in ensuring public access to arts activities, services and venues.

3.2 Mission Statement

The City of Hamilton will promote an environment for its citizens which encourages processes leading to creative achievements; which provides access to artistic experiences; which enhances and acknowledges the vital role played by the arts in the life of this community.

3.3 Objectives, Policy Directions, Strategies

Relationships.....	(Objectives 1 - 4)
Facilities.....	(Objectives 5 - 8)
Programmes.....	(Objectives 9 - 10)
Funding.....	(Objectives 11 - 20)
Implementation.....	(Objective 21)

FUNDING

- (a) To encourage the equitable distribution of available grant monies;
- (b) To encourage the development of responsible accounting among arts grant applicants and recipients.

Objective #13

FUNDING

To encourage a Partnership between the arts community and the City of Hamilton in the evaluation of arts grants.

Objective #14

FUNDING

To encourage and facilitate annual financial planning in arts organizations.

Objective #15

FUNDING

To ensure that arts grants increases reflect the annual rate of inflation.

Objective #18

FUNDING

To encourage a measure of self-reliance and entrepreneurship in the operation of all arts organizations.

SCHEDULE "B"

VOLUNTEER POLICY
MUSEUMS OF THE CITY OF HAMILTON
DEPARTMENT OF CULTURE & RECREATION -
CORPORATION OF THE CITY OF HAMILTON

1 October, 1990

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INTRODUCTION AND GENERAL CONDITIONS

1.0 DEPARTMENT AND BOARD MANDATES, GOALS AND PRINCIPLES

- 1.1 The Department of Culture and Recreation will contribute to the quality of life in Hamilton by providing enhanced cultural and recreational opportunities for our citizens and visitors and our staff will provide responsive programmes/services.
- 1.2 The goals of the Department of Culture and Recreation are:
 - 1.2.1 to support and develop voluntarism;
 - 1.2.2 to programme and operate our facilities professionally;
 - 1.2.3 to optimize community resources;
 - 1.2.4 to communicate and educate;
 - 1.2.5 to forecast and evaluate our programme needs;
 - 1.2.6 to develop professional leadership; and
 - 1.2.7 to manage and be accountable for our public trust.
- 1.3 The mandate of the Hamilton Historical Board is:
 - 1.3.1 to advise and recommend to the Parks and Recreation Committee on matters pertaining to the evaluation, acquisition, development, operation, maintenance and disposition of city museums, their grounds, structures and collections;
 - 1.3.2 to advise and recommend action to the Parks and Recreation Committee on matters concerning Hamilton's prehistoric and historic heritage;
 - 1.3.3 to celebrate events, individuals, structures, and properties in the city of enduring historical significance and interest;
 - 1.3.4 to promote public appreciation of the rich historical heritage of Hamilton;
 - 1.3.5 to foster special projects designed to further public awareness of and enjoyment in the

prehistoric and historic heritage of Hamilton and its people;

- 1.3.6 to initiate and encourage special projects designed to promote heritage conservation;
- 1.3.7 to promote broader understanding of the principles underlying and the necessity of heritage conservation;
- 1.3.8 to encourage the preservation of Hamilton's documentary heritage in all forms and processes, including but not limited to written records, photographs, maps, architectural drawings, film footage, sound recordings, and documentary art; and
- 1.3.9 to liaise with other historical groups and agencies, both within and outside Hamilton, in order to formulate co-ordinated responses concerning heritage issues and to operate joint programmes where feasible.

1.4 The Museums of the City of Hamilton, under the Cultural Division of the Department of Culture and Recreation, are responsible for the presentation, conservation and interpretation of the five unique city owned and operated museums. Dundurn Castle and Whitehern are Victorian and Edwardian houses respectively; The Hamilton Museum of Steam and Technology and The Hamilton Military Museum are specialized museums which are devoted to preserving industrial and military history. The Children's Museum is a hands-on participatory museum where children discover the rich heritage of the world around them.

The museums hold, as a public trust for the people of Hamilton and Ontario, collections of local, regional provincial, national and international significance. The goals of the museums are:

- 1.4.1 to maintain the public trust; and
- 1.4.2 to augment, conserve, preserve, or research their collections, or a combination;
- 1.4.3 exhibit and interpret the collections, Hamilton's heritage or the heritage of the world around us or a combination.

1.5 The museum shall be accessible to the local and extended community through such services as: public and specialized

tours; educational and outreach programmes; special events and exhibits. It is recognized that volunteer programmes add to the public accessibility of the museums.

- 1.6 As clients of the Ministry of Culture and Communications, the Museums of the City of Hamilton shall conduct programmes guided by fundamental museological standards as established by that Ministry.

2.0 MUSEUM MANDATE

- 2.1 Insert mandate of the museum.

3.0 DEFINITIONS

- 3.1 A "volunteer" is defined as any individual who performs a service without payment, subject to Section 3.3 below, the service being requested or accepted and led by museum staff.
- 3.2 A "volunteer group" is defined as any independent, non-profit organization acting in partnership with the museum on projects of common appeal, without payment, subject to Section 3.3 below, such projects being requested or accepted and led by museum staff.
- 3.3 Reimbursement of expenses incurred while performing services does not constitute payment.
- 3.4 Nothing in this policy shall be construed as making such volunteer (or, as the case may be, members of such volunteer group) an employee of, as the case may be, employees) of the city.

INDIVIDUAL VOLUNTEERS

4.0 INDIVIDUAL VOLUNTEER PROGRAMME GOALS AND PRINCIPLES

- 4.1 The museum recognizes that volunteers, the museum, and the community at large all benefit from an active partnership between volunteers and museum sites.
- 4.2 The goals and objectives of individual volunteer programmes shall reflect, support, reinforce and be fully consistent with the goals, objectives and mandates of the Department of Culture and Recreation, the Hamilton Historical Board and the museum as specified in Sections 1 and 2 above.
- 4.3 A relationship between the museum and an individual volunteer shall satisfy the following conditions.
 - 4.3.1 the museum shall endeavour to match programme needs with volunteer interests and skills;
 - 4.3.2 each volunteer shall be engaged in a meaningful activity which is consistent with the goals of the museum, and is of mutual interest and benefit;
 - 4.3.3 museum staff have determined that the museum has the resources to assist with each volunteer project;
 - 4.3.4 museum staff shall retain, at all times, responsibility for and authority over aspects of museum operation as required by their volunteer assignments and the commonly accepted standards of museum professionalism.
- 4.4 The museum will act as a facilitator, encouraging the volunteers to further projects of mutual interest where the mandate and the resources of the museum permit.

5.0 INDIVIDUAL VOLUNTEER PROGRAMME ADMINISTRATION

- 5.1 Each individual volunteer programme shall be administered by the Curator, or his/her designate.
- 5.2 The individual volunteer programmes shall in no way conflict with the various collective agreements between the City of Hamilton and its employees.

- 5.3 Volunteer shall be assigned to a specific advisor who will provide the volunteer with on-going support and guidance.
- 5.4 Volunteers shall be provided with the necessary training, equipment and support required to fulfil their commitment.
- 5.5 Volunteers shall be recognized and appreciated for their efforts, in a manner which the Curator deems appropriate.
- 5.6 Volunteers and the museum shall agree to, and the individual volunteer and appropriate Corporation of the City of Hamilton staff shall sign, "volunteer agreement" which shall include:
 - 5.6.1 a list of duties, tasks, responsibilities and obligations, including that of confidentiality;
 - 5.6.2 expected volunteer time commitment;
 - 5.6.3 the goals, objectives, principles outlined in this policy;
 - 5.6.4 the terms of insurance coverage and waivers as may be required from all parties;
 - 5.6.5 relationships with museum staff and volunteer programme leaders;
 - 5.6.6 volunteer guidance and feedback; and
 - 5.6.7 other consideration pertaining to the task at hand;
 - 5.6.8 specific terms by which the volunteer relationship could be terminated by each party.
- 5.7 The museum shall allocate funds for the operation of volunteer programmes.
- 5.8 Volunteers shall carry out their duties with a high standard of care, respecting Ontario Ministry of Culture and Communication Museum Standards and those of the site.
- 5.9 Volunteer assignments shall be regarded as enhancing programmes and assisting staff. Volunteers shall not displace paid employees or be placed in positions for which funding is available.

VOLUNTEER GROUPS

6.0 VOLUNTEER GROUP PROGRAMME GOALS AND PRINCIPLES

- 6.1 The museum recognizes that volunteer groups, the museum, and the community at large benefit from active partnership between volunteer groups and museum sites.
- 6.2 The goals and objectives of volunteer group programmes shall reflect, support, reinforce and be fully consistent with the goals, objectives and mandates of the Department of Culture and Recreation, the Hamilton Historical Board and the museum as specified in Sections 1 and 2 above.
- 6.3 Partnerships between the museum and a volunteer group shall satisfy the following conditions:
 - 6.3.1 the group and the museum shall be autonomous, having independent written goals, objectives and governing structure;
 - 6.3.2 each group shall be engaged in an activity which is consistent with the goals of museum;
 - 6.3.3 museum staff have determined that the museum has the resources to assist in projects of mutual interest and benefit; and
 - 6.3.4 museum staff shall retain, at all times, responsibility for and authority over aspects of museum operation as required by their volunteer assignments and the commonly accepted standards of museum professionalism.
- 6.4 The museum will act as a facilitator, encouraging the development of partnerships with volunteer groups to further projects of mutual interest where the mandate and the resources of the museum permit.
- 6.5 The relationship between the museum and a volunteer group is a limited partnership of two independent organizations on projects of common appeal.
- 6.6 The operation of a volunteer group programme is in no way intended to limit the development of individual volunteers. Members of volunteer groups may, in addition, act as individual volunteers under separate agreement with the museum.

7.0 VOLUNTEER GROUP PROGRAMME ADMINISTRATION

- 7.1 The volunteer group programmes of the museum shall be administered by the Curator or his/her designate.
- 7.2 The volunteer group programmes shall, in no way, conflict with the various collective agreements between the City of Hamilton and its employees.
- 7.3 Volunteer groups and the museum shall agree to, and the individual volunteer and appropriate Corporation of the City of Hamilton staff shall sign, a "volunteer group agreement" which shall outline the following:
 - 7.3.1 a list of duties, tasks, responsibilities and obligations, including that of confidentiality;
 - 7.3.2 expected volunteer time commitment;
 - 7.3.3 the goals, objectives, principles outlined in this policy;
 - 7.3.4 the terms of insurance coverage and waivers as may be required from all parties;
 - 7.3.5 relationships with museum staff and volunteer programme leaders;
 - 7.3.6 volunteer guidance and feedback; and
 - 7.3.7 other considerations pertaining to the task at hand; and
 - 7.3.8 specific terms by which the volunteer group relationship could be terminated by each party.
- 7.4 Volunteer groups shall work with a specific advisor who will provide each volunteer group with on-going support and guidance.
- 7.5 Volunteer groups shall be provided with the necessary training, equipment and support required to fulfil their commitment.
- 7.6 Volunteer groups shall be recognized and appreciated for their efforts in a manner which the Curator deems appropriate.

- 7.7 The museum shall allocate funds for the operation of volunteer group programmes.
- 7.8 Volunteer groups shall carry out their duties with a high standard of care following Museum Standards and those of the site.
- 7.9 Volunteer group projects shall be regarded as enhancing programmes and assisting staff. Volunteer groups shall not displace paid employees or be placed in positions for which funding is available.
- 7.10 A member of the museum staff may attend regular meetings of the group in an ex-officio non-voting capacity and shall receive notice and minutes of all meetings.

This policy cannot be altered without the consent of the Corporation of the City of Hamilton.

October 1, 1990

10/30/90

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **EIGHTEENTH** Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties.
 - (a) 21 Rymal Road West
 - (b) 1471 Upper James Street
 - (c) 1451 Upper James Street
 - (d) 1459 Upper James Street
 - (e) 1465 Upper James Street
 - (f) 1124 Upper James Street
 - (g) 1123 Upper Wentworth Street
 - (h) 1399 Upper James Street
 - (i) 1405 Upper James Street
 - (j) 1411 Upper James Street
 - (k) 1417 Upper James Street
2. (a) That a purchase order be issued to Crozier Enterprises Ltd., Mississauga, in the amount of \$172,341. to supply, deliver and install Main Street West Pedestrian Barriers, in accordance with specifications issued by the Manager of Purchasing and Vendor's Proposal.
 - (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Main Street West Commercial Improvement Programme 1990 Account #CF5200 4287 05011.

10/30/90

3. (a) That the Corporation of the City of Hamilton grant its consent to the Royal Bank of Canada to assign its easement in the MacNab Street Truck Tunnel to Canadian Realty Revenue Properties Ltd., in accordance with paragraph four (4) of the 1972 June 13 Agreement (between the City of Hamilton, Robinson Securities Limited, the G. W. Robinson Company Limited, First Phase Civic Square Limited and Yale Properties Limited, subsequently assigned in 1989 May by Robinson's to the Royal Bank). This assignment is subject to the Purchaser of the former Robinson's Department Store site agreeing to assume and obligate itself to the City in respect of all obligations of the Royal Bank of Canada in the aforesaid 1972 Agreement as amended.
- (b) That the City of Hamilton grant consent to the Royal Bank of Canada to assign the areaway easement described in paragraph 3(b) of the 1972 Agreement to Canadian Realty Revenue Properties Ltd.
- (c) That paragraph 8(a) and 8(b) of the 1972 Agreement be deleted effective 1990 September 30.

NOTE: Under the original 1972 Abandonment Agreement, Robinson Securities Limited and G. W. Robinson Company Limited agreed to erect on the rear parking lot of this department store, a warehouse building. Robinson's also agreed, that if the said building was not erected by 1984 December 1, it would pay to the City of Hamilton an annual sum in lieu of taxes as if the building were erected. Said payment is currently at \$29,358.08 (1990).

In 1989, Robinson's sold the property to the Royal Bank, who as of 1990 September 30 have demolished the original structure in preparation of its new development on the former Robinson's Department Store and rear parking lot.

Accordingly, the Royal Bank will be refunded the sum of \$7,339.54 for the period of 1990 October 1 to 1990 December 31.

In view of the proposed new development on the site, the Royal Bank is respectfully requesting that the 1972 Agreement be amended by deleting paragraph 8(a) and 8(b) as of 1990 September 30.

- (d) That the Mayor and City Clerk be authorized to execute the agreements to carry out the aforesaid recommendations. Regarding Items (a) and (b) above, it is recommended that the City enter into the agreement attached hereto and marked Appendix "A".

10/30/90

4. (a) That the Province be requested to amend the Planning Act to permit municipalities to establish a definition of "Family" respective to Zoning By-laws that meet their community needs; and,
 - (b) That the Noise Control Officer be directed to patrol the West Mountain area surrounding Mohawk College for possible violations of the City's Noise Control By-law.
 - (c) That the City of Hamilton endorse the following resolution forwarded from the City of London which was prepared and endorsed by the participants at the Kingston Town and Gown Conference:
 - (i) That the planning, zoning and by-law enforcement staffs of all Ontario college and university municipalities meet to examine technical, definitional and performance standards matters related to the rooming, boarding and lodging house issue;
 - (ii) That the goal of such meeting be the development of suitable by-law mechanisms to regulate rooming, boarding and lodging houses as well as enable them in accordance with the Provincial Policy Statement: Land Use Planning for Housing, Provincial Legislation;
 - (iii) That the Provincial Government retain an independent consultant to review and compare existing municipal by-laws and regulations including licensing pertaining to rooming, boarding and lodging houses, to outline the policy and legal constraints, to develop optional technical approaches of regulation and produce a background report in preparation for the technical municipal meeting and further that such consultant be engaged as soon as possible to expedite resolution of this matter;
 - (iv) That municipal staff promote a full public consultation process within their respective communities using the results of this meeting as a model approach.
 - (v) That a more formal organization of Ontario college and university cities be established to create an effective network between municipalities and between university and college municipalities and the Provincial Government relative to university, college and city issues such as student housing, university funding, grants in lieu of taxes, and other relevant matters as they arise. (59.24.4.) (15/23/PC)
5. That approval be given to Rental Housing Protection Act Application DE-90-002, Agostino Ammendolia, owner, for demolition of units at 266-280 King Street East.

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6. (a) That approval be given to Official Plan Amendment No. 95 to establish a Special Policy Area to permit limited commercial uses, for lands shown as Blocks "1" and "2" on the attached map marked as Appendix "B", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 90-54, Allan John Beattie, owner, for a modification to the established "M-12" (Prestige Industrial) District regulations for Block "1", and a change in zoning from "M-15" (Prestige Industrial) District to "M-12" (Prestige Industrial) District, modified for Block "2", to permit a hardware store and a garden centre, for property located at 1280 Rymal Road East, shown as Blocks "1" and "2" on the attached map marked as Appendix "B", on the following basis:
- (i) That Block "2" be rezoned from "M-15" (Prestige Industrial) District to "M-12" (Prestige Industrial) District;
- (ii) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special provision:
- (1.) That notwithstanding Section 17D(1)(b), the following additional Commercial uses shall permitted:
- | <u>Use Not Prohibited</u> | <u>S.I.C. Number</u> |
|---------------------------|----------------------|
| Hardware Stores | 6531 |
| Lawn and Garden Centres | 6522 |
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as S-1198 and the subject lands on Zoning District Map E-59E be notated S-1198;
- (iv) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-59E for presentation to City Council;
- (v) That the Mountain Industrial Area Plan be amended by redesignating the subject lands to "Restricted Commercial"; and,
- (vi) That the proposal will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 95 by the Regional Municipality of Hamilton-Wentworth.

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NOTE: The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations for Block "1" and a change in zoning from "M-15" (Prestige Industrial) District to "M-12" (Prestige Industrial) District, modified for Block "2", for property located at 1280 Rymal Road East.

The effect of the By-law is to permit, in addition to the other uses allowed under the "M-12" (Prestige Industrial) District regulations, a hardware store and a garden centre.

7. That approval be given to Zoning Application 89-90, Red-D-Mix Concrete Company, Division of Standard Aggregates, owner, for a change in zoning from "JJ" (Restricted Light Industrial) District modified, to "DE-2" - 'H' (Multiple Dwellings - Holding) District modified, to permit a 5-storey, 110 unit apartment building and a 4-storey, 54 unit apartment building, on property located at 1301 to 1315 Upper Wellington Street, as shown on the attached map marked as Appendix "C", on the following basis:
 - (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until municipal sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "DE-2" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.
 - (b) That the subject lands be rezoned from "JJ" (Restricted Light Industrial) District to "DE-2" (Multiple Dwellings) District;
 - (c) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10B(1)(vi), a maximum of 164 dwelling units shall be permitted;
 - (ii) That notwithstanding Section 10B(2)(ii), a maximum building height of five storeys shall be permitted;

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- (iii) That notwithstanding Section 10B(6), a minimum landscaped area of 48% of the lot area shall be provided and maintained;
 - (iv) That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the entire southerly and easterly property lines;
 - (v) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire southerly and easterly property lines;
 - (vi) That a minimum of two vehicular accesses to the subject lands shall be provided, at least one of which shall be provided from the future city road allowance adjacent to the northerly property line.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1199, and that the subject lands on Zoning District Map E-18B be notated S-1199;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18B for presentation to City Council;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (g) That prior to the passing of the amending by-law by City Council, the applicant shall:
- (i) Enter into a service agreement with both the City and Hamilton-Wentworth Region; and,
 - (ii) Acquire the adjoining parcel of land to the north known as Block "141" on Draft Plan of Subdivision "Rose Gardens".

NOTE: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the availability of all such municipal sewers as the City deems necessary to service the proposed development. Removal of the holding restriction shall be conditional upon the availability of municipal sewers, and the passage of an amending By-law to remove the 'H' symbol, thereby giving effect to the "DE-2" District provisions.

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The purpose of this By-law is to provide for a change in zoning from "JJ" (Restricted Light Industrial) District modified to "DE-2" (Multiple Dwellings) District modified, for property located at 1301 to 1315 Upper Wellington Street.

The effect of the By-law is to permit a 5-storey, 110 unit apartment building and a 4-storey, 54 unit apartment building on the subject lands.

In addition, the By-law provides for the following variances as special requirements:

- (a) To restrict the maximum height of building(s) to five storeys, whereas 8 storeys is permitted;
- (b) To restrict the number of dwelling units to a maximum of 164 units;
- (c) To require a minimum landscaped area of 48% of the total lot area to be provided and maintained, whereas a minimum of 25% is required;
- (d) To require a minimum 3.0 m wide landscaped strip to be provided and maintained along the entire southerly and easterly property lines;
- (e) To require a visual barrier not less than 1.2 m in height and not more than 2.0 m in height to be provided and maintained along the entire southerly and easterly property lines; and,
- (f) To require a minimum of two vehicular accesses, at least one of which shall be provided from the future city road allowance adjacent to the northerly lot line (Sirente Drive).

8. That approval be given to Zoning Application 90-44, Sapte Investments Inc. (M. Moisin, L. Balasu, F. Sandulescu, G. Balasu, T. Bompa, T. Bompa), owner, requesting a modification to the established "HI" (Civic Centre Protected) District regulations, to legalize the established four dwelling units, for property located at 54 Hess Street South, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "HI" (Civic Centre Protected) District regulations, as contained in Section 15A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 15A(1), not more than four dwelling units shall be permitted within the existing building only;
 - (ii) That notwithstanding Section 18A(1)(a), not less than three parking spaces shall be provided and maintained;

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- (iii) That notwithstanding Section 18A(7), one parking space shall have a length of not less than 5.18 m;
- (iv) That Section 18A(9) shall not apply only in respect of manoeuvring space;
- (v) That clauses (b), (c), and (d) of this By-law shall only apply to the building in existence on the date of passage of this By-law;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1200, and the subject lands on Zoning District Map W-4 be notated S-1200;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That approval of this application be subject to a building permit being obtained for any required renovation work for the proposed conversion.

NOTE: The purpose of the By-law is to establish a modification to the established "HI" (Civic Centre Protected) District regulations for property located at 54 Hess Street South.

The effect of the By-law is to legalize the four established dwelling units within the existing building. In addition, the By-law provides the following variances as special provisions:

- (a) A minimum of three parking spaces are to be provided and maintained instead of the required four;
- (b) One parking space shall have a minimum length of 5.18 metres instead of the required 6.0 metres;
- (c) Manoeuvring for the three parking spaces may be provided off-site;
- (d) The above-noted variances in parking apply only to the existing building.
- (e) That approval of the application is conditional upon a building permit being obtained.

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9. That approval be given to Zoning Application 90-62, Good Shepherd Non-Profit Homes Inc., owner, for a change in zoning from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit a 6-storey, 63 unit non-profit apartment building, on property located at 31, 33 and 35 Aikman Avenue, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That the lands described as Block "1" be rezoned from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
 - (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-Law No. 6593, applicable to the lands described as Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Sections 11.(1), 11.(2) and 11.(5) a multiple dwelling having a maximum height of 6 storeys, containing a maximum of 63 dwelling units and having a maximum gross floor area of $4,460.0\text{m}^2$ shall be permitted;
 - (ii) That notwithstanding Section 11.(3)(i)(b) a minimum front yard of 0.67m shall be provided and maintained;
 - (iii) That notwithstanding Section 11.(3)(ii)(b) a minimum easterly side yard of 4.36 m and a minimum westerly side yard of 4.43 m shall be provided and maintained;
 - (iv) That notwithstanding Section 18(3)(vi)(cc)(ii) and (iii) a balcony may project into the required rear yard a maximum of 1.6 m; into the easterly side yard a maximum 0.8 m on the ground floor and 0.4 m on the remaining 5 floors; and into the westerly side yard a maximum of 1.0 m;
 - (v) That notwithstanding Section 2.(2)J.(xb)(C) and Section 11.(6) the following landscaped areas shall be provided and maintained on the lot:
 - (1.) Not less than 12.02% of the lot area at grade; and,
 - (2.) Not less than 7.58% of the lot area above grade at the raised terrace level.
 - (vi) That notwithstanding Section 18(3)(vi)(e) the front entrance stairs to the raised terrace level shall be permitted within 0 m of the street line;

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- (vii) That notwithstanding Section 18A Table 1(g) a minimum of 36 parking spaces shall be provided and maintained;
 - (viii) That notwithstanding Section 18A Table 3, 2 a minimum of one 3.7 m x 9.0 m x 4.3 m loading space shall be provided and maintained;
 - (ix) That notwithstanding Sections 18A(9), (10) and (32) the manoeuvring space for the required parking and loading spaces on the surface of the lot may be provided off-site;
 - (x) That notwithstanding Section 18A(24)(b)(i) the alleyway for an access driveway to the required parking area shall be a minimum width of 3.66 m.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1201, and that the subject lands on Zoning District Map E-22 be notated S-1201;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;
 - (e) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands to "Medium Density Apartments".
 - (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified for Block "1" and a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for Block "2", for property located at 31, 33 and 35 Aikman Avenue.

The effect of the By-law is to permit a 6-storey, 63 unit non-profit apartment building on the site.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit a maximum gross floor area of 4,460.0 m², whereas 3,423.8 m² is permitted;

- (b) To permit a minimum front yard of 0.67 m, whereas 6.07 m is required;
- (c) To permit a minimum easterly side yard of 4.36 m and a minimum westerly side yard of 4.43 m, whereas minimum side yards of 8.09 m are required;
- (d) To permit the balconies to further project 0.4 m into the allowed easterly side yard, and a further projection of 1.0 m into the allowed westerly side yard, and a projection of 1.6 m as opposed to the required 1.0 m into the required rear yard;
- (e) To require a minimum of 12.02% of the lot area to be provided and maintained as landscape space at grade, and a minimum of 7.58% of the lot area to be provided and maintained as landscape space above grade at the terrace level, for a total of 19.6% of the lot area whereas a minimum of 25% is required;
- (f) To permit the front entrance stairs to the raised terrace level to be within 0m of the street line of Aikman Avenue, whereas 1.5 m is required;
- (g) To require a minimum of 36 parking spaces, whereas a minimum of 79 parking spaces are required;
- (h) To require a minimum of one 3.7 m x 9.0 m 4.3 m loading space, whereas one 3.7 m x 18.0 m x 4.3 m loading space is required;
- (i) To permit the manoeuvring space for the required parking spaces and loading space on the surface of the lot to be off-site;
- (j) To permit the alleyway for an access driveway to the required surface parking area to be a minimum width of 3.66 m, whereas a minimum width of 5.5 m is required.

10. That amended Zoning Application 90-60, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to convert the existing building to fourteen dwelling units (condominiums or apartments) for property located at 73 Garfield Avenue South as shown on the attached map marked as Appendix "F", be **DENIED** for the following reason:

It conflicts with the position of City Council, adopted 1990 May 29, to deny the application for conversion of this building to eighteen dwelling units and to deny an amended application for conversion of this building to fourteen units.

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11. That the approved Strathcona Neighbourhood Plan (Map 1 attached herewith as Appendix "G"), be amended to:

- (a) Delete the designated widening of Locke Street South between Main Street and King Street; and,
- (b) Add a special policy in the Plan to require 3.0m front yard setbacks for new development on the west side of Locke Street South between Main Street and King Street, and to prohibit vehicular access from Locke Street South for new development along the west side of Locke Street.

NOTE: For the information of the members of City Council, the Planning and Development Committee has also approved the following:

- (a) That the Planning and Development Department be directed to undertake a City Initiative and schedule a Public Meeting to consider amendments to the Zoning By-law for Locke Street South between Main Street and King Street to:
 - (i) Permit the construction of buildings on this section of Locke Street, notwithstanding the existing road allowance width of 33 ft. for this roadway;
 - (ii) Reduce the front yard setback along the west side of Locke Street South to 3.0m; and,
 - (iii) Prohibit vehicular access from Locke Street South for new development along the west side of Locke Street.
- (b) That the Transport and Environment Committee be requested to initiate the improvement of the existing north-south alleyway between Locke Street and Margaret Street, to permit rear parking and access. The disposition of the City-owned lands adjacent to the alleyway should be resolved prior to the alleyway improvements.

12. That approval be given to amend the draft condition (k) for "Eaglewood Manor", 25T-87040, Registered Plan 62M-622 by deleting Block "22" from condition (k); which now reads as follows:

- (k) That Blocks "17" to "21" inclusive and Blocks "30" and "31" be developed only in conjunction with abutting lands.

NOTE: The lands, comprising 1.535 ha, are located on the north side of Rymal Road East and the west side of Upper Gage Avenue in the Eleanor Neighbourhood.

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13. That approval be given to amended Zoning Application 90-59, Slovenian Society of St. Joseph Hamilton, Lessee, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified, to "DE-3" (Multiple Dwellings) District (Block "1") modified, and from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District modified (Block "2"), to permit a 3-storey, 30 unit non-profit senior citizens apartment building, on property located on the rear part of lands at 115 and 125 Centennial Parkway North, as shown on the attached map marked as Appendix "H", on the following basis:
- (a) That the lands described as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "DE-3" (Multiple Dwellings) District.
 - (b) That the lands described as Block "2" be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District.
 - (c) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the lands described as Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10C(vi) of Zoning By-law No. 6593, a multiple dwelling containing a maximum of 30 dwelling units for the accommodation of elderly persons at least 60 years of age shall be permitted.
 - (ii) That notwithstanding Section 10C(3)(ii)(b) of Zoning By-law No. 6593, a side yard having a depth of not less than 4.5 m shall be provided and maintained along the easterly side lot line within 63 m of the south-easterly corner of the property.
 - (iii) That notwithstanding Section 18A Table (1G), a minimum of 20 parking spaces shall be provided and maintained.
 - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1202, and that the subject lands on Zoning District Map E-104 be notated S-1202.
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-104 for presentation to City Council.

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- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (g) That the Kentley Neighbourhood Plan be amended by redesignating Block "1" from "Civic and Institutional", to "Low Density Apartments" and Block "2" from "Attached Housing" to "Low Density Apartments".

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District modified to "DE-3" (Multiple Dwellings) District modified for Block "1" and a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District modified for Block "2", for property located at the rear part of lands at 115 and 125 Centennial Parkway North.

The effect of the By-law is to permit a 3-storey multiple dwelling containing a maximum of 30 dwelling units for the accommodation of elderly persons of at least 60 years of age.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit a minimum side yard of 4.5 m for that portion of the building within 63 m of the south-easterly corner of the property.
- (b) To permit a minimum of 20 parking spaces whereas a minimum of 38 parking spaces are required.

14. That leave be granted to introduce the following Bills:

- (a) C-145 A By-law to adopt the Main Street West Community Improvement Plan.
- (b) C-146 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 400 Grays Road.
- (c) C-147 A By-law to establish Site Plan Control respecting land located at Municipal No. 400 Grays Road.
- (d) C-148 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 252, 256, 260 and 262 Victoria Avenue North and 290 Barton Street East.
- (e) C-149 A By-law to establish Site Plan Control respecting lands located at Municipal Nos. 252, 256, 260 and 262 Victoria Avenue North and 290 Barton Street East.

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- (f) C-150 A By-law to adopt Official Plan Amendment No. 93 respecting lands located at Municipal Nos. 694-696 Upper James Street within the Bonnington Neighbourhood.
- (g) C-151 A By-law to adopt Official Plan Amendment No. 94 respecting land located at Municipal No. 710 Upper James Street within the Bonnington Neighbourhood.
- (h) C-152 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 86-273 respecting lands located at Municipal No. 69 Rymal Road East and the rear part of Municipal No. 75 Rymal Road East.
- (i) C-153 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 87-184 respecting lands located on the south side of Beaverton Drive and east of Acadia Drive (Municipally known as No. 15 Beaverton Drive).

Respectfully submitted,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1990 October 24th**

10/30/90

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THIS AGREEMENT made in triplicate as of the day of
1990.

B E T W E E N:

THE ROYAL BANK OF CANADA

(the "Assignor")

- and -

CANADIAN REALTY REVENUE PROPERTIES LTD.

(the "Assignee")

- and -

THE CORPORATION OF THE CITY OF HAMILTON

("Hamilton")

WHEREAS the Assignor is the owner in fee simple of those lands in the City of Hamilton described in Schedule "A" hereto (the "Lands"); and

WHEREAS the Lands are about to be conveyed to the Assignee together with all rights and benefits appurtenant thereto; and

WHEREAS by reason of Paragraphs 3 and 4 of the agreement dated the 13th day of June, 1972 made between Hamilton, First Phase Civic Square Limited, Yale Properties Limited, Robinson Securities Limited ("Robinson") and The G.W. Robinson Company, Limited (the "Agreement") there is appurtenant to the Lands the areaway easement described in Paragraph 3 thereof and Schedule "B" hereto (the "Areaway Easement") and a truck tunnel easement described in Paragraph 4 thereof and Schedule "C" hereto (the "Truck Tunnel Easement") collectively hereinafter referred to as the Easements; and

WHEREAS the Agreement was registered in the Land Registry Office for the Registry Division of Wentworth No. 62 on the 11th day of May, 1989 as Instrument No. 506800 CD and in the Land Registry Office for the Land Titles Division of Wentworth on the 18th day of December, 1989 as Instrument No. 270000 L.T.; and

WHEREAS the Assignor by an agreement dated May 1, 1989 and registered in the Land Registry Office for the Registry Division of Wentworth No. 62 on the 11th day of May, 1989 as Instrument No. 506800 CD and in the Land Registry Office for the Land Titles

Appendix "A" as referred to
in Section 3 of the EIGHTEENTH
Report for 1990 of the Planning
& Development Committee.

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Division of Wentworth on the 18th day of December, 1989 as Instrument No. 270000 L.T. covenanted and agreed, inter alia, to assume the obligations of Robinson under and pursuant to the Agreement; and

WHEREAS the Assignee has agreed to assume the obligations of the Assignor under the Agreement with respect to the Easements and to the other matters herein set out.

NOW THEREFORE in consideration of the sum of Five (\$5.00) Dollars and other good and valuable consideration paid by each of the parties to the other (the receipt and sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1. (a) The Assignor assigns and transfers to the Assignee its interest in and to the Easements including all rights of action and other rights and benefits of the Assignor or which might after this Assignment accrue to the Assignor under the Agreement.

(b) Hamilton consents to the assignment of the Easements as required by Paragraphs 3(g) and 4 of the Agreement and confirms that all payments due thereunder and all of the obligations of the Assignor to Hamilton under the Agreement as of the date hereof, have been fulfilled in their entirety and hereby doth remise and release the Assignor from all claims, demands, liabilities, suits, actions, causes of action whatsoever and howsoever arising from the Agreement.

(c) This consent does not constitute a waiver of the necessity for consent to any further assignment of the Easements by the Assignee. If the Assignee proposes to effect a further assignment, the terms of Paragraphs 3(g) and 4 of the Agreement shall apply and must be observed.

(d) By joining in this Agreement, Hamilton does not thereby acknowledge or approve of any of the terms of the Assignment between the Assignor and the Assignee.

(e) In consideration of the foregoing consent of Hamilton and of this Assignment, the Assignee hereby represents and warrants to the Assignor that at or before the effective date of this Agreement, the Assignee has become the owner in fee simple of the land described in Schedule "A" attached hereto.

2. The Assignee hereby undertakes, covenants, promises and agrees to Hamilton that:

(i) The Assignee shall perform and abide by and be bound at all times, all of the terms, covenants, conditions and obligations on the part of the Assignor contained in the Agreement and subject to all remedies in respect of breaches of covenants and conditions as if the Assignee were named in the Agreement in place of Robinson Securities Limited and without limiting the generality of the foregoing, hereby assumes and obligates itself to Hamilton in respect of all obligations, including all indemnifications to Hamilton, contained therein of the Assignor as contemplated in Paragraphs 3(g) and 4 of the Agreement; and,

(ii) The Assignee shall at all times comply with the terms, provisions and conditions of the Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Agreement in good standing at all times.

3. The Assignee hereby agrees to indemnify and save the Assignor harmless from any and all actions, suits, losses, charges, demands, liabilities and expenses incurred or suffered by the Assignor as a result of any failure or refusal by the Assignee to perform and abide by all of the terms, covenants, conditions and obligations on the part of the Assignee contained in the Agreement or any breach by the Assignee of the terms of the Agreement or of the terms hereof.

4. In consideration of the foregoing consent of Hamilton and of this assignment, the Assignee hereby represents and warrants to Hamilton that its proposed use of the Truck Tunnel Easement shall not be greater than the use thereof by the Assignor or Robinson or its tenant prior to the date of this assignment and that at or before the time of the execution and delivery of this agreement, the Assignee has become the owner of the fee simple of the Lands.

5. The Assignee covenants to Hamilton to register this Agreement on title to the Arcoway Agreement described in Schedule "B" hereto and to the Truck Tunnel Easement described in Schedule "C" hereto and to the land of the Assignee described in Schedule "A" hereto within a reasonable time after the execution of this agreement.

6. Any notice in writing required or permitted to be given to

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the Assignor and the Assignee hereunder shall be given by registered mail, postage prepaid, addressed to:

Royal Bank Realty Inc.
1 Place Ville Marie
P.O. Box 6001
Montreal, Quebec
H3C 3A9

Attention: The Vice-President and
Arnold Campbell, Vice-President

with a copy to:

Aylesworth, Thompson, Phelan, O'Brien
P.O. Box 15, Suite 3000
Royal Bank Plaza, South Tower
Toronto, Ontario
M5J 2J1

Attention: James W.V. Craig, Q.C.

(b) Any notice in writing required or permitted to be given to Hamilton shall be given by registered mail, postage prepaid, addressed to:

The City Clerk
The Corporation of the City of Hamilton
City Hall
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

(c) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(d) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

7. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Agreement and to carry out and perform the same in accordance with its terms.

IN WITNESS WHEREOF the parties hereto have duly executed

10/30/90

-3238-

- 5 -

this Agreement.

THE ROYAL BANK OF CANADA

Per: _____

Per: _____

We have the authority to bind the Bank

CANADIAN REALTY REVENUE PROPERTIES LTD.

Per: _____

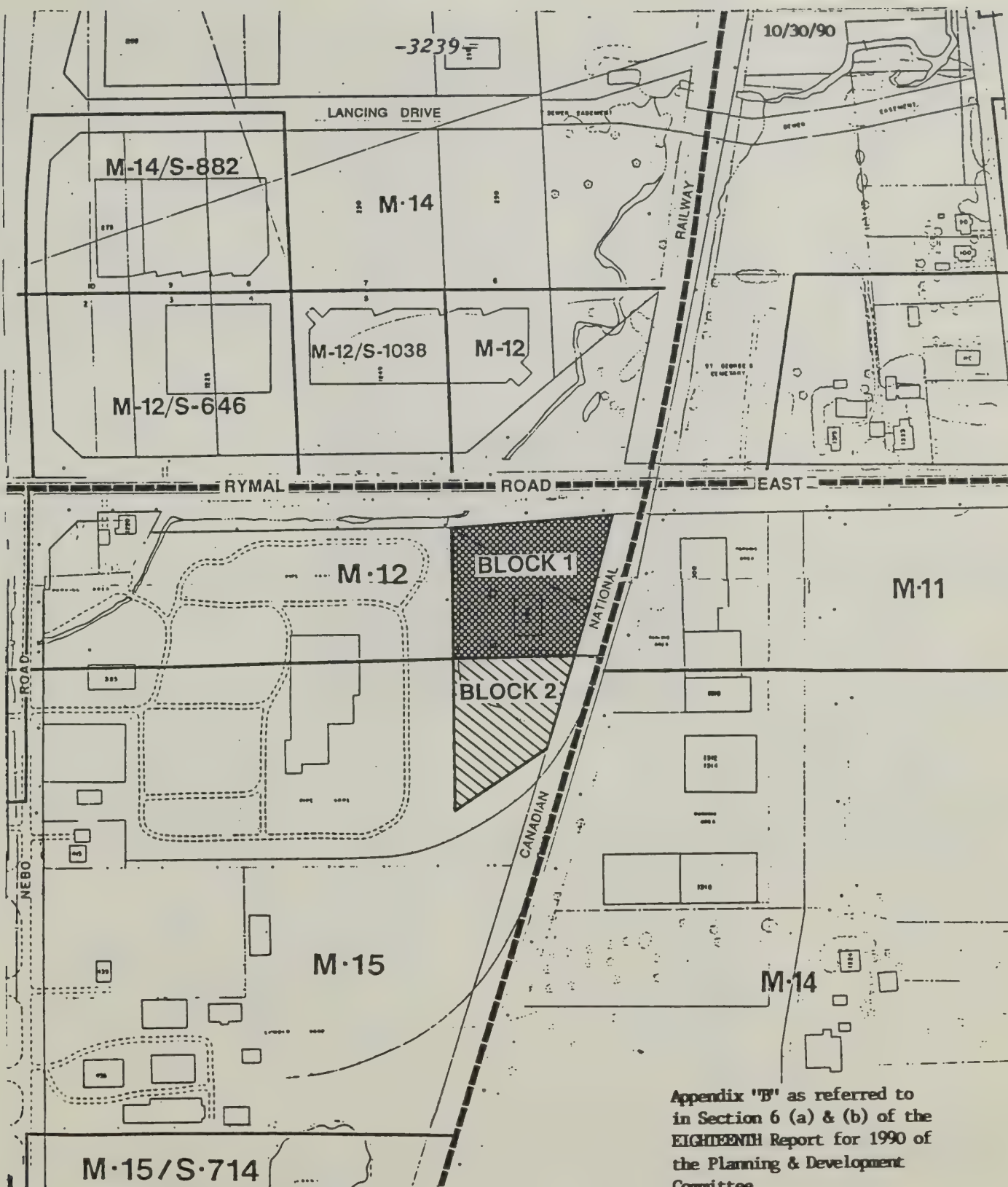
Per: _____

We have the authority to bind the
Corporation

THE CORPORATION OF THE CITY OF HAMILTON

Mayor _____

City Clerk _____



Legend

BLOCK 1



Modification to the "M-12" (Prestige Industrial) District.

BLOCK 2

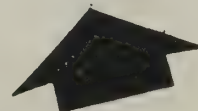


Change from "M-15" (Prestige Industrial) District to "M-12" (Prestige Industrial) District, modified.

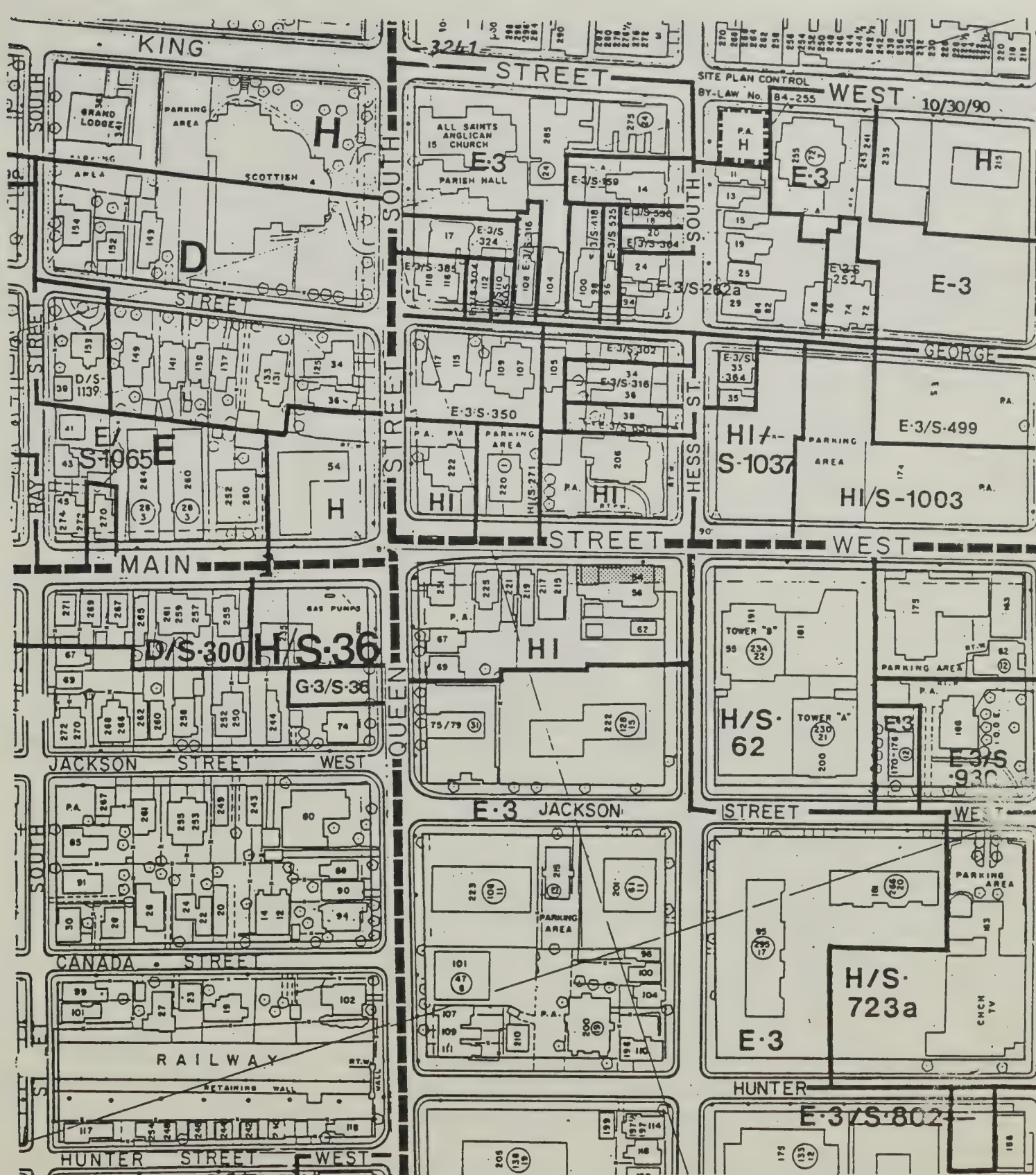


APPENDIX "A"

Appendix "C" as referred to in
Section 7 of the EIGHTEENTH Report
for 1990 of the Planning &
Development Committee.



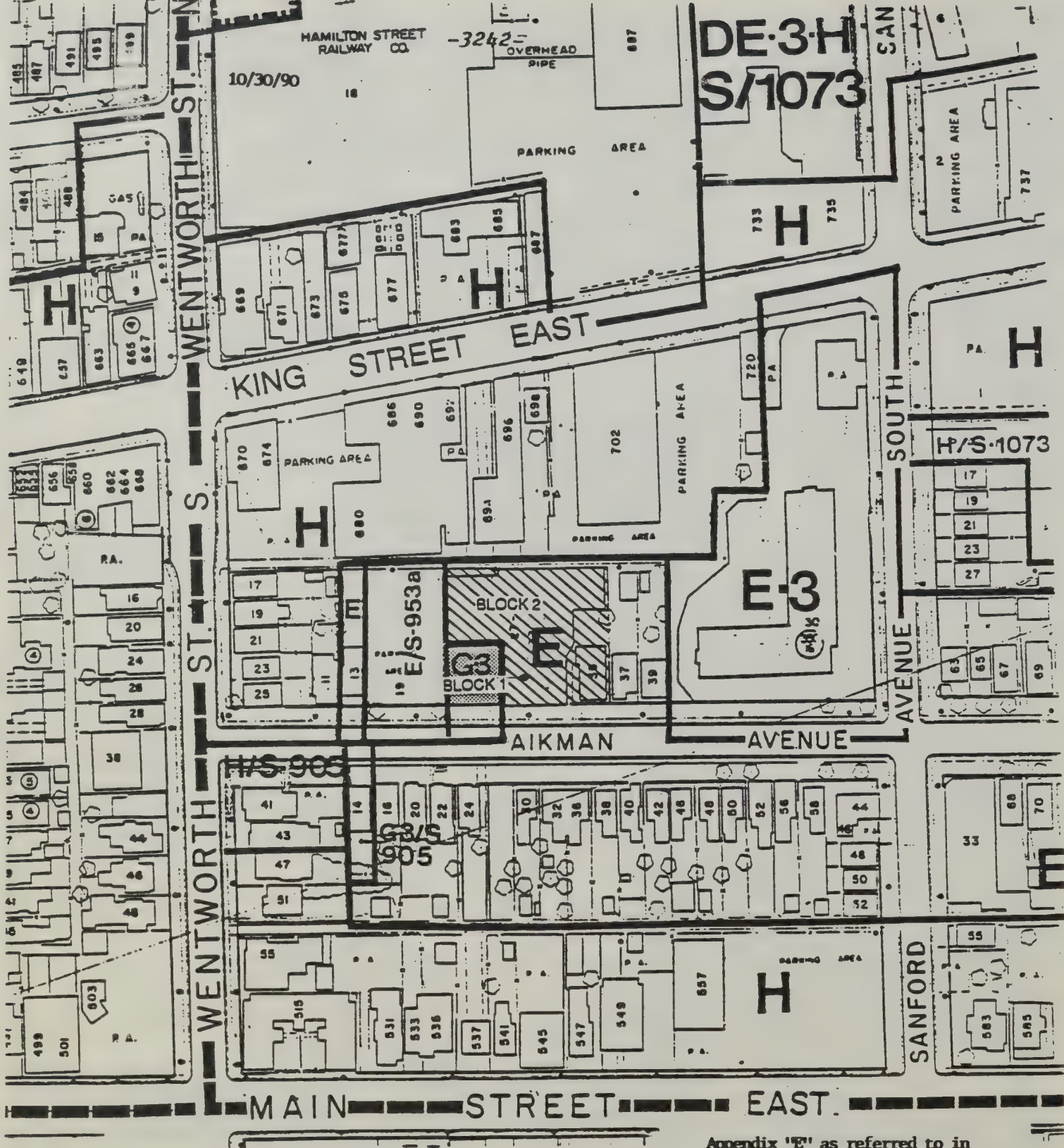
ZA 89 - 90



Appendix 'D' as referred to in
Section 8 of the EIGHTEENTH
Report for 1990 of the Planning
& Development Committee.

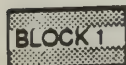


APPENDIX A

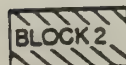


Legend

Proposed change in zoning from:

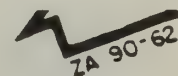


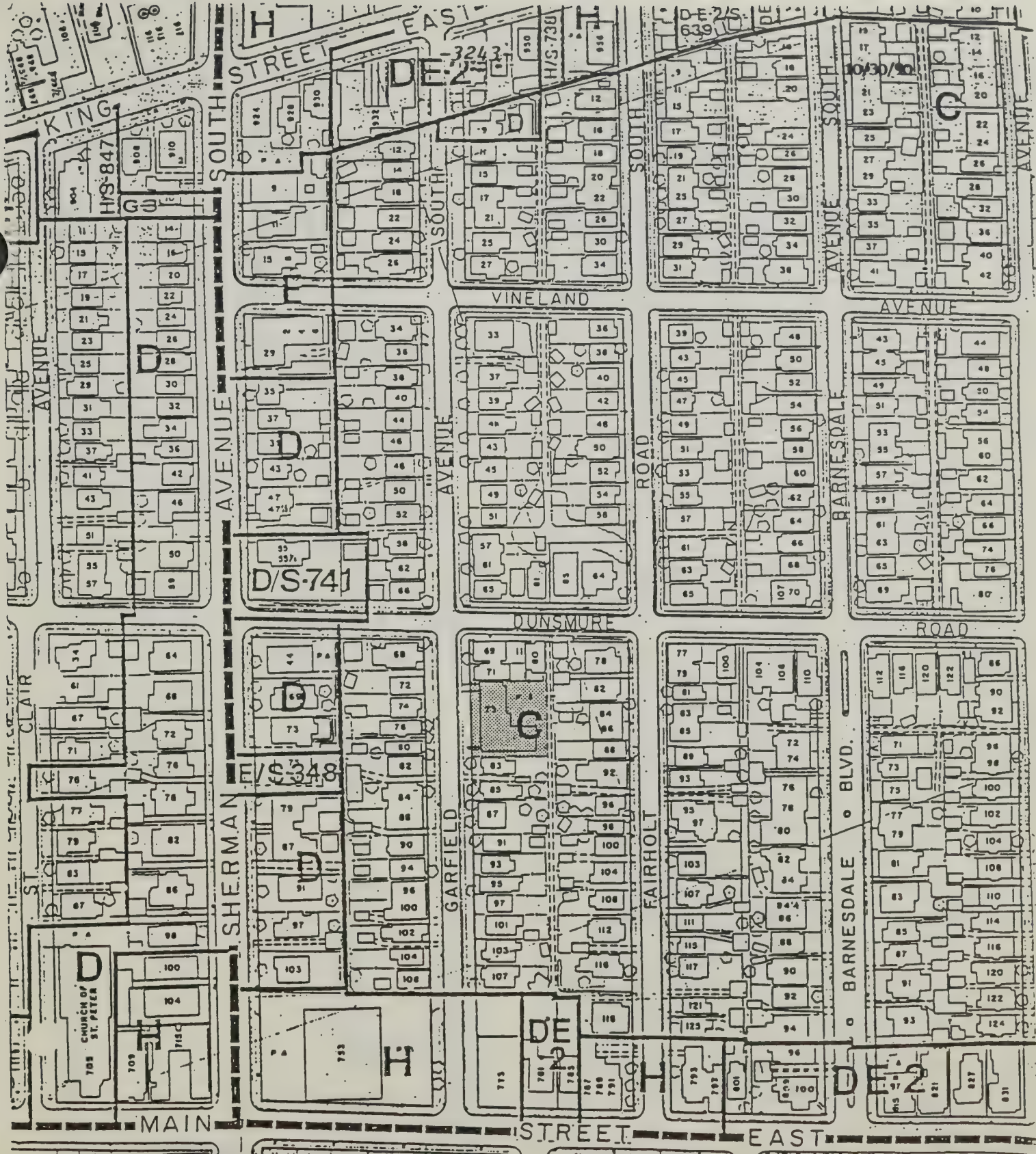
"G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.



Modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District

Appendix "E" as referred to in
Section 9 of the EIGHTEENTH
Report for 1990 of the
Planning & Development Committee.

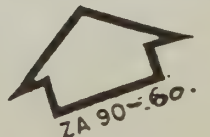




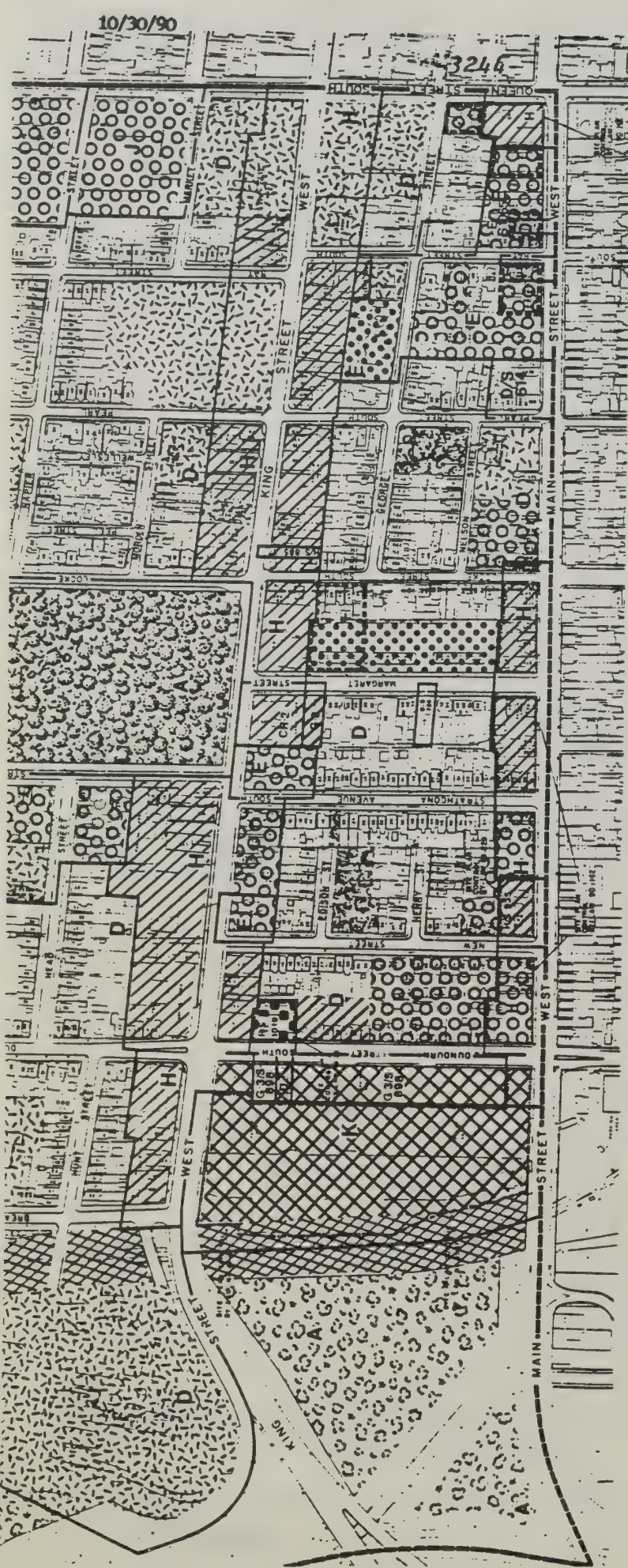
Legend

Site of the Application

Appendix "F" as referred to in
Section 10 of the EIGHTEENTH
Report for 1990 of the Planning
& Development Committee.

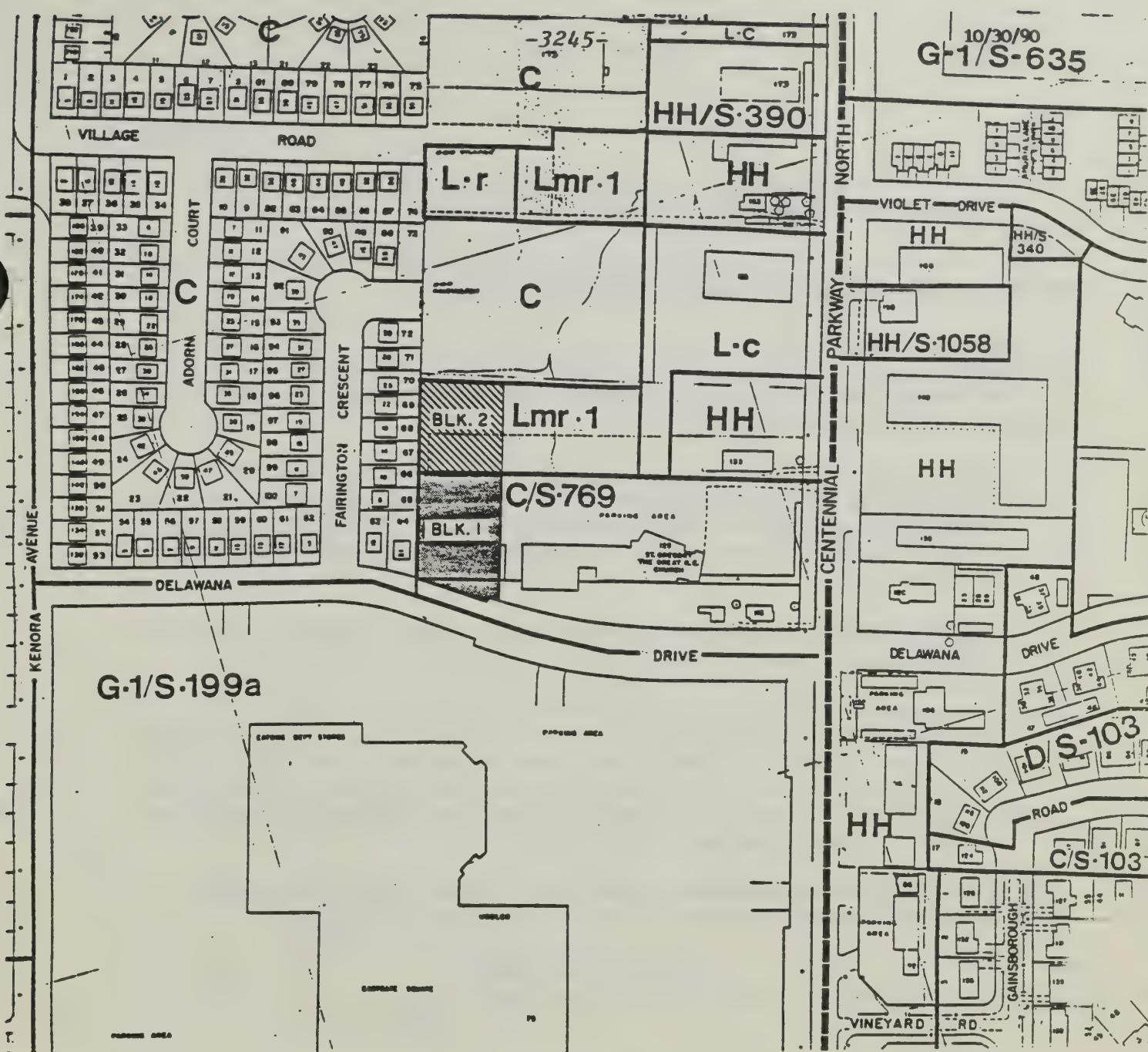


APPENDIX A



<p>--- Neighbourhood Boundary --- Zoning Boundary</p>	<p>Approvals Planning Committee AUG. 31, 1972 Council AUG. 31, 1972 Latest Revision Date SEPTEMBER 15, 1990</p>	<p>CITY OF HAMILTON PLANNING DEPARTMENT MAP 1 STRATHCONA APPROVED PLAN EXTRACT</p> <p>NORTH 0 50 m 100 m SCALE</p> <p>127</p>
<p>LAND USE</p> <p>RESIDENTIAL</p> <p>single & double attached housing low density apartments medium density apartments high density apartments commercial & apartments</p> <p>COMMERCIAL INDUSTRIAL CIVIC & INSTITUTIONAL PARK & RECREATIONAL OPEN SPACE UTILITIES</p>		
<p>NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.</p> <p>Refer to City Council Minutes Date: June 24, 1980.</p> <p>EXISTING POPULATION (1988) 7513</p>		

Appendix 'C' as referred to in
Section 11 of the EIGHTEENTH
Report for 1990 of the Planning
& Development Committee.



Appendix 'P' as referred to in
Section 13 of the EIGHTEENTH
Report for 1990 of the Planning &
Development Committee.

LEGEND

PROPOSED CHANGE IN ZONING FROM:

BLOCK 1



"C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT, MODIFIED TO
"DE-3" (MULTIPLE DWELLINGS) DISTRICT.

BLOCK 2



"L-mr-1" (PLANNED DEVELOPMENT - MULTIPLE RESIDENTIAL)
DISTRICT TO "DE-3" (MULTIPLE DWELLINGS) DISTRICT.



10/30/90

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINETEENTH** Report for 1990 and respectfully recommends:

1. That Leo Barnett's, et al., (claimant) Offer to Settle the expropriation of 10-14 Market Square, for payment to the claimant the sum of \$374,729.88, plus professional fees, to be agreed or assessed, plus interest of \$52.96 per day from 1990 October 15, be accepted.

NOTE: Sufficient funds in Account No. Center 00102 - Reserve for Property Purchases.

2. (a) That the City of Hamilton request the Province of Ontario to amend the appropriate Act or Acts to make provision for the payment of monies by landlords to tenants who are forced to vacate their dwelling unit due to an order from a Municipality, the Ontario Municipal Board or Judicial Body resulting from the landlord's illegal creation of an apartment; and,

(b) That the payments recognize the costs incurred by the tenants for relocation and temporary accommodation.

Respectfully submitted,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1990 October 30th**

10/30/90

INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Information Systems Committee presents its **SIXTH** Report for 1990 and respectfully recommends:

1. That authorized copies of WordPerfect wordprocessing software be made available to the Hamilton Public, Hamilton-Wentworth Public and Hamilton-Wentworth Separate School Boards in accordance with the terms and conditions of the WordPerfect Corporation Software Donation Program.
2. That Section 1 (a) of the **FIRST** Report of the Information Systems Committee for 1989 be amended by deleting "John Thompson, Legislative Assistant, City Clerk's Department" and substituting in lieu thereof "Mrs. Lynn Dale, Legislative Assistant, City Clerk's Department" as permanent Secretary of the Information Systems Committee.
3. For the Information of the Members of City Council the Information Systems Committee directed that the following report be prepared:
 - (a) That the Director of Information Systems prepare a report outlining the options and feasibility of moving the mainframe computer facility out of the City Hall basement.
 - (b) That the report include location options, operational and cost impacts and optional timing schedule.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Acting Secretary

**ALDERMAN J. GALLAGHER, CHAIRMAN
INFORMATION SYSTEMS COMMITTEE**

1990 October 22

10/30/90

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FOURTH** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to BBS Equipment Sales Ltd., Downsview, in the amount of \$10 561.60, which was the lowest of two (2) quotations received, for the purchase of one (1) Stationary Steam Pressure Washer for Fleet Services, including one year service contract, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from Operating Equipment Account No. CF5500 609051014.
2. That a purchase order be issued to Stanchem, a business unit of ICI Canada Inc., Etobicoke, in the amount of \$12 342.78, which was the only tender received, to supply and deliver one tank wagon, approximately 9 500 litres of anti freeze, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Lubricants Accounts No. CH56204 27005.
3. That a purchase order be issued to Johnston Motor Sales, Hamilton, in the amount of \$32 801.04, which was the lowest of six (6) tenders received, for the replacement of two (2) 1/2 ton Pickup Trucks, Units #9318/22 for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.
4. That a purchase order be issued to G.C.Duke Equipment Ltd., Burlington, in the amount of \$19 429.20, which was the only tender received, for the purchase of two (2) Elephant Vacs for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Flushers, Vacalls, Vacuums Account No. CF5500 609051014.

10/30/90

5. That a purchase order be issued to Maurice Carter Chevrolet Oldsmobile (1990) Limited, Hamilton, in the amount of \$14 441.95, which was the lowest of nine (9) tenders received, for the purchase of One (1) 1991 Mid Size 4 Door Sedan for the City Garage, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Operating Equipment By-law Section Account No. CH58005 75020.
6. That a purchase order be issued to A City Glass (1989) Inc., Hamilton, in the amount of \$11 525, which was the lowest of seven (7) quotations received, for the replacement of windows at the Central Memorial Recreation Centre, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from Windows/Frame Replacement Central Memorial Account No. CH57365 31260.

NOTE: As these are exterior windows and should be replaced before the cold weather, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

7. That permission be granted to the Canadian Union of Public Employees, Local 167, to use the lobby and foyer areas of City Hall on Sunday, 1990 December 16 and each year thereafter from 1:00 p.m. to 4:00 p.m. for their Annual Children's Christmas Party.
8. That the request of the Latvian Society of Hamilton to fly the Latvian Flag at City Hall from 1990 November 14 - 21 during the Latvian Independence Day celebrations be granted.
9. That permission be granted to Greater Hamilton Food Share to use the following City Hall facilities and equipment during their Christmas Food Drive:
 - (a) a receptacle for food donations together with a table to display literature to be placed on the first and second floors during the week of 1990 December 3 - 7;
 - (b) an area on the second floor foyer from 1990 November 26 to December 14 for a display of prints by Hamilton artist, Gino Cavicchioli, the profits from which will be donated to Greater Hamilton Food Share.

10/30/90

10. That the following salary classification be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Superintendent of Facilities (formerly General Foreman/woman-Parks)	Supervises the operation and maintenance of all sports facilities.	I3	\$50 472.24 - \$59 471.88

11. That the salary classifications for the following non-union positions in the Traffic Department be approved in accordance with the recommendation made by Core Group at its meeting of 1990 October 9:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Mgr. Community Traffic Services	Manage the Legislative School Crossing and Parking Control Sections of the Traffic Department.	I	\$50 472.24 - \$59 471.88
Parking Control & Prosecution Co-ordinator	Administer the Parking Control and Prosecution Divisions and Prosecute by-law infractions.	L	\$39 040.04 - \$45 972.16
Parking Services Prosecutor (New Position)	Attend court and prosecute parking violations.	N	\$33 932.08 - \$40 013.48

12. That the salary classification for the following non-union position in the Building Department be approved in accordance with Section 13 of the Sixteenth Report of the Planning & Development Committee adopted by City Council 1990 September 25:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Supervisor of Inspection Services	To assist the Manager of Inspections in the provision of a living and working environment free of structural, safety, health and fire hazards and other nuisances through adequate control and mainten- ance for the citizens of Hamilton.	K	\$42 566.68 - \$50 107.20

10/30/90

13. (a) That the 1991 Licence Fees administered by the Licence Division of the City Clerk's Department be increased by 5%.
- (b) That the City Solicitor be authorized and directed to prepare the necessary by-law amendment to reflect this increase.

14. That no action be taken to collect rental fees from the Ontario Municipal Board for the use of City Hall facilities.

NOTE: At its meeting held 1990 August 28 City Council adopted the following motion: "That the Finance and Administration Committee be requested to investigate the use of City Hall facilities by the Ontario Municipal Board to include the possible collection of rental fees for use of City Hall facilities."

For the information of the Members of City Council, a survey of Ontario municipalities has been conducted. None surveyed indicated that their municipality charges nor receives rental fees from the OMB for hearings. In addition, the City has been advised that the OMB does not pay any municipality for the use of facilities.

15. (a) That the Councillors Supplementary Pension Plan (to the OMERS Plan) be amended to exclude the reduction applied for Canada Pension Plan Benefits to enhance the final pension calculation.
 - (b) That this change to the Plan be financed by a lump sum payment of \$50 000 to be charged to the Reserve for Contingency, and by increasing the current budget estimate in 1991 to \$37 000.
16. That the 60% Spousal Benefit be implemented as the basic benefit in the Hamilton Municipal Retirement Fund Plan for the current active "others" members.
 17. That Section 1 of the Seventeenth Report of the Finance and Administration Committee adopted by City Council 1990 May 29, which reads as follows, be rescinded:

10/30/90

"That in order to provide the amount required to fund the 60% Spousal Benefit for HMRF Firefighter members in the amount of \$1 018 000, the rate of employer (City) contributions for the Hamilton Municipal Retirement Fund (HMRF), for firefighters, be increased from 5.75% to 9.08% effective January 1, 1991, subject to the Treasurer receiving the Actuarial Surplus position from the Actuaries as at December 31, 1989, of the HMRF and reporting back to the Finance and Administration Committee later in 1990."

and that the following be adopted:

"That in order to provide the amount required to fund the 60% Spousal Benefit for HMRF Firefighter members in the amount of \$1 018 000 the rate of employer (City) contributions for the Hamilton Municipal Retirement Fund (HMRF), for firefighters, be increased from 5.75% to 9.08% effective 1991 January 1."

18. That the Actuarial Report dated 1990 August 17 prepared by the City of Hamilton Actuaries, the Wyatt Company, indicating a deficit position of \$298 000 of the Hamilton Municipal Retirement Fund (HMRF) as at 1989 December 31, be accepted with the approval of the following recommendations:
 - (a) That the City increase the contribution rate of members, which is presently 5.75% of pensionable earnings, until the next actuarial valuation of the Plan is conducted.
 - (b) That actuarial valuations continue to be conducted annually so that fluctuations in contribution requirements can be minimized.
- * 19.
 - (a) That the project plan for PARCIL Project - Phase 1 be adopted.
 - (b) That the scope of PARCIL Project - Phase 1 be geographically the City of Hamilton, and that the Hamilton user community be initially limited to Fire, Planning, Public Works, Traffic, Building and Property Departments.
 - (c) That the Landbase for PARCIL Project - Phase 1 be developed with the topographic and planimetric layers completed for the City of Hamilton and the Cadastral and Infrastructure layers be completed for the area above the Escarpment in the City of Hamilton.
 - (d) That the Treasurer of the City of Hamilton develop a financial plan for the City of Hamilton portion of PARCIL Project - Phase 1.

10/30/90

- * 20. (a) That the \$3 225 209 required for PARCIL Project - Phase I over the next three years, namely, 1990-\$541 274; 1991-\$2 245 440; 1992-\$438 495; be funded on an up-front basis from the Reserve for Capital Projects, Centre #00203.
- (b) That the Treasurer be authorized to set up a separate "Reserve for PARCIL Project" to track payments and recoveries associated with this project.
- (c) That the Treasurer be authorized to recover from the budget appropriations of the various departments listed on the schedule, attached hereto as Appendix "A", in the amounts and years shown.
- ** 21. (a) That the City Solicitor be authorized and directed to undertake the preparation of a Draft By-law to regulate the sale of tobacco products to minors based on the Draft By-law included in Dr. Michael Goodyear's submission to the Finance and Administration Committee dated 1990 October 25 on behalf of the Legislation Committee of the Hamilton-Wentworth Interagency Council on Smoking and Health.
- (b) That the City Solicitor be authorized and directed to draft a new By-law for regulating smoking in public places based on the spirit and letter of the workplace by-law restricting smoking in all areas except where smoke areas can be provided by the employers which are entirely separate and externally ventilated.
- (c) That public meetings be held to receive input on the Draft By-laws outlined in sections (a) and (b) above.
- (d) That the City Clerk report back to the Finance and Administration Committee identifying the means and cost of effectively enforcing this legislation.
- 22. (a) That the City settle Ontario Court of Justice (General Division) Action No. 19696/90 by payment to the Plaintiff, Anna Franks, of \$1 000 inclusive of damages, interest and costs.
- (b) That the Plaintiff be required to execute a Full and Final Release satisfactory to the City Solicitor.
- (c) That the Action be dismissed without costs.

* Recorded vote, see page 3184

** Section 21 amended, see page 3184

10/30/90

23. That the City agree to make payment of \$4 750, inclusive of interest and costs, to the Plaintiffs, Judy Major Mabley and Herbert Connolly Jr., to resolve Ontario Court of Justice (General Division) Action No. 3937/86.
24. That the City agree to make payment of \$9 268.03, inclusive of interest and costs, to the Plaintiffs, Victoria and Enzo Dellamaestra, to resolve Ontario Court of Justice (General Division) Action No. 3080/87.
25. That leave be granted to introduce the following Bill:

Bill H-111 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.
- *26. That the Organizing Committee for the Ontario Games for the Physically Disabled through the Department of Culture and Recreation, receive approval to obtain a Special Occasion Permit to host a wine and cheese reception on 1990 November 13, 4:30-5:30 p.m., City Hall, 2nd Floor Foyer, for the official Kickoff/City Council Reception to announce Hamilton's Hosting of the Ontario Games for the Physically Disabled.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1990 October 25

* *Section 26 added during City Council*

Section 21 amended to read:

21. (a) That the City Solicitor be authorized and directed to undertake the preparation of a Draft By-law to regulate the sale of tobacco products to minors.
- * (b) That the City Solicitor be authorized and directed to draft a new By-law for regulating smoking in public places.
- (c) That public meetings be held to receive input on the Draft By-laws outlined in sections (a) and (b) above as amended.
- (d) That the City Clerk report back to the Finance and Administration Committee identifying the means and cost of effectively enforcing this legislation.

* Recorded vote, see page

-3256-

PARCIL - PHASE 1
 SAVINGS BY GROUP

GRP NO GROUP NAME

HAMILTON

7P PUBLIC WORKS

7T TRAFFIC

8 PLANNING-LOCAL

15 FIRE

18 BUILDING

21 PROPERTY

TOTAL - HAMILTON

BASELINE COSTS	1990 SAVINGS	1991 SAVINGS	1992 SAVINGS	1993 SAVINGS	TOTAL SAVINGS
\$28,321	\$0	\$2,987	\$7,468	\$4,481	\$14,936
\$344,576	\$0	\$4,386	\$10,964	\$6,578	\$21,928
\$501,076	\$0	\$22,369	\$89,477	\$111,846	\$223,693
\$424,892	\$0	\$8,658	\$17,317	\$34,633	\$60,608
\$81,253	\$0	\$5,166	\$7,748	\$12,914	\$25,828
\$218,183	\$0	\$6,139	\$18,418	\$36,836	\$61,393
\$1,598,303	\$0	\$49,705	\$151,392	\$207,288	\$408,385

NOTICE OF MOTION

-3258-
NOTICE OF MOTION

Alderman J. Gallagher gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED:

"That staff be directed to prepare the 1991 budget estimates on the basis of a zero percent increase over the 1990 estimates for the City of Hamilton."

CA4 ON HBLA05
M21 1990

OF HAMILTON CITY COUNCIL
Tuesday, November 13, 1990
7:30 o'clock p.m.
Council Chamber

The Council met.

PRESENT: Robert M. Morrow, Mayor
Aldermen M. Kiss, V. Agro, W. McCulloch, D. Drury,
G. Copps, D. Agostino, F. Lombardo, T. Jackson,
J. Gallagher, D. Ross, T. Murray

ABSENT: Alderman T. Cooke - vacation
Alderman B. Hinkley - vacation
Alderman H. Merling - vacation

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

The Reverend Bruce Gregersen, Melrose United Church led the Council in prayer.

* * * * *

The following presentations were made:

Retirement ring to former Alderman David Christopherson.

Retirement ring to former Alderman John Smith.

* * * * *

His Worship Mayor Robert M. Morrow read the following Proclamation:

"ZONTA INTERNATIONAL DAY", November 8, 1990.

* * * * *

The Minutes of the meeting of October 30th, 1990 were taken as read and approved.

* * * * *

The following communications were received:

1. Resolution from the City of Orillia respecting increase funding for shelters and mental health clinics.

Referred to the Region's Health
and Social Services Committee.

2. Application dated October 31, 1990 from Stephen Wood and John Kenneth Wood, 589 StoneChurch Road West, Hamilton, Ontario for a modification to the "D" (Urban Protected Residential - One and Two Family Townhouses, etc.) District for property at 585 Cannon Street East, Hamilton, Ontario.

Received.

3. Application dated November 6, 1990 from Tonino and Maria DiFranco, 204 Rymal Road West, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at No. 204 Rymal Road West, Hamilton, Ontario.

Received.

4. Application dated November 7, 1990 from the Hamilton-Wentworth Roman Catholic Separate School Board, 90 Mulberry Street, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District for property at 295 Green Cedar Drive, Hamilton, Ontario.

Received.

5. Application dated November 8, 1990 from 775751 Ontario Inc. - Fausto Carnicelli, 1418 Upper Sherman Avenue, Hamilton for a change in zoning from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for property at 1425 & 1429 Upper James Street, Hamilton, Ontario.

Received.

It was moved by Alderman Kiss and seconded by Alderman Drury that Council move into Committee of the Whole to consider the following Reports, with Alderman McCulloch in the chair.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps,
Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 12.

NAYS: 0 -

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FIFTEENTH REPORT.

* * * * *

PARKS AND RECREATION COMMITTEE - TWENTIETH REPORT

Section 1 - Re: Senior Citizen's Recreation Centre - Sackville Hill Memorial Park

It was moved by Alderman Murray and seconded by Alderman Jackson

RESOLVED: That Section 1 of the Twentieth Report of the Parks and Recreation Committee be amended by adding the word "Recreation" immediately before the word "Centre" in subsections (a) and (f).

CARRIED.

* * * * *

Section 4 - Re: Arena Feasibility Report prepared by Cummings Cockburn Inc.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Agostino, Lombardo, Jackson, Gallagher, Ross, Murray. - 11.

NAYS: Alderman Copps. 1.

CARRIED.

* * * * *

PLANNING AND DEVELOPMENT COMMITTEE - TWENTIETH REPORT

Section 11 - Re: Change in Zoning for property located at 690 Main Street West

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Copps, Agostino, Lombardo, Jackson, Ross, Murray. - 10.

NAYS: Alderman Kiss. 1 -

CARRIED.

* * * * *

Section 12 - Re: Change in Zoning for properties located at 125 Napier Street and 55 Queen Street North.

It was moved by Alderman Lombardo and seconded by Alderman Agostino

RESOLVED: That the following be added as Sub-section (g) of Section 12 of the Twentieth Report for 1990 of the Planning and Development Committee

"(g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area."

CARRIED.

* * * * *

LICENSING COMMITTEE - SEVENTH REPORT

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - TWENTY-FIFTH REPORT

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Drury

RESOLVED: That the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Licensing Committee and the Finance and Administration Committee, be adopted.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps, Agostino, Lombardo, Jackson, Ross, Murray. - 11.

NAYS: 0 -

CARRIED.

* * * * *

It was moved by Alderman Murray and seconded by Alderman Jackson

RESOLVED: That Rule No. 8 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a meeting with the local members of the Provincial Legislature.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps, Agostino, Jackson, Gallagher, Ross, Murray. - 11.

NAYS: 0. -

CARRIED.

It was moved by Alderman Murray and seconded by Alderman Jackson

RESOLVED: That the local members of the Provincial Legislature be requested to meet with the Council of the Corporation of the City of Hamilton to discuss matters of local concern.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps, Agostino, Jackson, Gallagher, Ross, Murray. - 11.

NAYS: 0. -

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Drury

RESOLVED: That the following Bills be now read a first time:

A-137, A-138.

C-154, C-155, C-156, C-157, C-158, C-159, C-160.

H-112, H-113.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps, Agostino, Lombardo, Jackson, Ross. - 10.

NAYS: 0 -

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Drury that Council move into Committee of the Whole to consider the following Bills, with Alderman McCulloch in the chair. (second reading)

A-137, A-138.

C-154, C-155, C-156, C-157, C-158, C-159, C-160.

H-112, H-113.

Recorded vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps, Lombardo, Jackson, Ross, Murray. - 10.

NAYS: 0 -

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Drury

RESOLVED: That the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

Recorded vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps, Lombardo, Jackson, Ross, Murray. - 10.

NAYS: 0 -

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Drury

RESOLVED: that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws

A-137, A-138.

C-154, C-155, C-156, C-157, C-158, C-159, C-160.

H-112, H-113.

Recorded vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Drury, Copps, Lombardo, Jackson, Ross, Murray. - 10.

NAYS: 0 -

CARRIED.

* * * * *

City Council then adjourned at 8:50 o'clock p.m.

11/13/90

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **FIFTEENTH** Report for 1990 and respectfully recommends:

1. (a) That the applications for on site Garbage Collection service to the following locations, be approved during the pleasure of Council:

<u>Applicant</u>	<u>Location</u>
1. Wentworth Condominium Corporation No. 145	255 Mount Albion Road
2. Valery Construction Limited	40 Grayrocks Ave.
3. Valery Construction Limited	14 Derby Street
4. Valery Construction Limited	15 Derby Street
5. A. DeSantis Holdings Limited	543 Queenston Road

- (b) That the owners enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless against any loss, and to purchase and file with the City Clerk an insurance policy to this effect, such insurance to be in an amount satisfactory to the Director of Public Works.
- (c) That the Mayor and City Clerk be authorized to sign and execute these agreements.

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2. That a purchase order be issued to the Canadian Corps of Commissionaires (Hamilton), Hamilton for parking enforcement services for 1991, in accordance with specifications issued by the Manager of Purchasing and vendor's tender as follows:

Hourly Rate

Sergeant	\$ 11.04
Corporal	\$ 10.56
Commissionaire	\$ 10.13

Plus 7% GST

NOTE: Funds provided in By-law Services, Traffic By-law Enforcement Account No. CH56323 75020.

3. That a purchase order be issued to Sifto Canada Inc., Toronto, for the supply and delivery of sodium chloride during the 1990 - 1991 Winter season in accordance with specifications issued and vendor's tender, as follows:

Coarse Crushed in 22.5 Tonne Dump Truck Loads - \$ 33.58 per metric tonne

FST exempt. PST included. GST will be extra when applicable.

NOTE: Lowest of three (3) tenders received. Funds provided in Stock Account No. CH56197 60999.

4. That purchase orders be issued for the supply and delivery of sand, treated and untreated, for the 1990 - 1991 Winter season, in accordance with specifications issued by the Manager of Purchasing and vendors' tenders, as follows:

- (a) Lakeview Sand and Gravel, Paris for Treated Sand
\$15.78 per metric tonne - delivered

\$12.13 per metric tonne - picked-up

- (b) TCG Materials, Cambridge for Untreated Sand
\$ 7.70 per metric tonne - delivered

Provincial Sales Tax extra at 8%
After January 1, 1991, 7% GST will apply

NOTE: Lowest of four (4) tenders received. Funds provided in Stock Account No. CH56197 60999.

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5. That the appropriation for the City share for the agreement regarding construction of an elevated sidewalk and handrail with Wellington Chase Inc. for lands on the east side of Upper Wellington Street, approved by City Council on December 13, 1988, be increased from \$9,946.26 to \$29,000.00 and that the Finance and Administration Committee recommend the source of funding.
6. That the Commissioner of Engineering be directed to tender the following 3 options for a contract for placement of benches at various locations throughout the City of Hamilton on road allowances for a four year term. Each option will be subject to the following conditions:
 - (a) That an Agreement be entered into with the City of Hamilton to the satisfaction of the Commissioner of Engineering and the City Solicitor.
 - (b) That an annual fee be paid per bench, such fee to be non-refundable for benches removed from the road allowance.
 - (c) That the applicant provide an alphabetical street name inventory, defining where all benches are placed on the road allowance.
 - (d) That the applicant provide, at the time of each annual payment, a map on which each bench location shall be shown.
 - (e) That the applicant provide \$2,000,000.00 public liability insurance, naming the City as an added insured party, and saving the City harmless from all actions, interests, claims, demands, costs, damages, expenses, and loss.
 - (f) That the Mayor and City Clerk be authorized and directed to execute the Agreement on behalf of the City.
 - (g) That no benches with advertising be placed in the City of Hamilton's "Downtown Area" bounded by and including Main Street and Wilson Street, and Bay Street and Wellington Street.

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- (h) That no benches with advertising be placed at bus stops with transit shelters where advertising is on the transit shelter, such restriction not to apply to benches for charitable organizations or benches without advertising.
- (i) That the successful applicant be permitted to install a maximum of 500 benches at locations determined by the following criteria:
 - (i) No bench shall be placed in such a manner as to obstruct pedestrian traffic and in no case shall it be placed on a sidewalk having a width of 2.0 m or less.
 - (ii) No bench shall be placed within 6.0 m of any fire hydrant.
 - (iii) No bench shall be placed so as to interfere with or obstruct any street maintenance operation, and in no case shall a bench be within 11.0 m of a bus stop during the months of December to April inclusive.
 - (iv) Benches shall not be installed until prior approval of each bench location is received from the Commissioner of Engineering, and in all commercial areas, benches shall not be installed without first obtaining the approval of the Neighbourhood Business Association. All benches shall be maintained to the satisfaction of the Commissioner of Engineering.

Option I:

That the successful applicant make available to the City 5% of the benches for local service organizations, who will be responsible for the cost of the art work only.

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Option II:

- (a) That the following three categories of bench types and locations be established:

(i) Bench

Type: benches with large advertising

Permitted

Locations: in commercial and industrial districts

(ii) Bench

Type: benches with discreet advertising in the form of a plaque (e.g. this bench donated by) or letters burned into the wooden back

Permitted

Locations: (a) in parks fronting main streets
(b) public places - facing out to street
(c) residential neighbourhoods
(d) as in (i) above

(iii) Bench

Type: no advertising

Permitted

Locations: (a) historical districts
(b) facing into parks
(c) public places - facing into space
(d) facing designated architectural and/or historical structures
(e) as in (i) and (ii) above

- (b) That for every 6 benches with advertising, 2 benches with discreet advertising and 2 benches with no advertising must be supplied.

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Option III

(a) That the following two categories of bench types and locations be established.

(i) Bench
Type: benches with large advertising

Permitted
Locations: (a) in commercial and industrial districts
(b) public places - facing out to street

(ii) Bench
Type: benches with discreet advertising in the form of a plaque (e.g. this bench donated by ...) or letters burned into the wooden back

Permitted
Locations: (a) residential neighbourhood
(b) facing designated architectural and/or historical structures
(c) as in (i) above

(iii) Bench
Type: no advertising

Permitted
Locations: (a) facing into parks
(b) as in (i) and (ii) above

(b) That for every 6 benches with advertising, 2 benches with no advertising must be supplied.

7. That an Offer to Purchase executed by 832200 Ontario Limited (Sol D. Frankel) on October 17, 1990 and scheduled for closing on or before January 8, 1991, for the purchase of a one (1) foot reserve along the easterly limit of Templemead Drive, be approved and completed.

NOTE: The subject property is a one (1) foot strip of land along the easterly limit of Templemead Drive, shown as Part 14 on Plan 62R-4121), containing a total area of 19.42 square metres (209 square feet). The purchase price of \$1.00 to be credited to Account No. CH4X501 00107 (Services through Unsubdivided Land).

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8. That an Offer to Purchase executed by Hilliard Clark Harnden, Helen Ann Anderson in Trust and Helen Ann Anderson on October 15, 1990 and scheduled for closing on or before January 8, 1991, for the purchase of a one (1) foot reserve along the easterly limit of Eaglewood Drive, be approved and completed.

NOTE: The subject property is a one (1) foot strip of land along the easterly limit of Eaglewood Drive, shown as Parts 8, 9, 10, 11, 12 and 13 on Plan 62R-11237, containing a total area of 18.4 square metres (198.06 square feet). The purchase price of \$1.00 is to be credited to Account No. CH4X501 00107 (Services through Unsubdivided Land).

9. That an Offer to Purchase executed by 456941 Ontario Limited (Paul Silvestri) on October 18, 1990 and scheduled for closing on or before January 8, 1991, for the purchase of a one (1) foot reserve along the easterly limit of Eaglewood Drive, be approved and completed.

NOTE: The subject property is a one (1) foot strip of land along the easterly limit of Eaglewood Drive, shown as Part 14 on Plan 62R-11237, containing a total area of .93 square metres (10 square feet). The purchase price of \$1.00 is to be credited to Account No. CH4X501 00107 (Services through Unsubdivided Land).

10. (a) That a new activity, titled Maintenance of Walkways, Account No. 60139 51401 be created by transferring \$28,950.00 from Roadside Manual Weed Cutting Account No. 60150 51401 and \$4,550.00 from Water Delivery Account No. 60510 44042.
- (b) That the Keep Hamilton Clean Committee be requested to review the existing circumstances whereby several residents maintain the grass, collect the debris from the walkways in their neighbourhood, with the objective of encouraging and recognizing these residents to continue with these efforts.
- (c) That the Manager of Streets evolve a 3 year program to upgrade pathways and sidewalks so that all pathways/sidewalks are concrete and up to municipal standards.
- (d) That the Manager of Parks evolve a 3 year program to upgrade the barren and denuded areas beyond the pathways/sidewalks or arrange to spray the area to control the weeds.

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11. That to respond to the concerns of the 4 residents at 59, 63, 67 and 71 Janet Court backing onto the yard of the Sanitation Depot at 2418 Barton Street East and having to view the trucks, employees and employees' vehicles; that there be some visual screening between their back yards and the sanitation yard along the fence line by:
 - (a) Reimbursing the residents at 59 Janet Court for meadow 4 foot extension to the wooden fence at an estimated cost of approximately \$2,000.00 to be charged to Account No. CH56103 61068 General Roadway Maintenance. It is understood by the residents and the City that although the City is participating by paying this extension to the fence that the fence and 100% of the maintenance responsibility rests with the resident.
 - (b) Removing the existing chain link fence, supplying and installing steel beam guide rail and supplying and planting coniferous trees at 30 foot centres along the rear property line of the residences at 63, 67 and 71 Janet Court at an estimated cost of approximately \$6,500.00 to be charged to Account No. CH56103 60168 General Roadway Maintenance.
12. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first two applicants residing in the building at No. 70 Augusta Street.
13. That the City Traffic By-law No. 89-72 be amended to provide the following:
 - (a) That the existing "One Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation on both sides of West 33rd Street between Bendamere Avenue and Leslie Avenue be replaced with a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation.
 - (b)
 - (i) That the two metered parking spaces on the east side of Mary Street immediately south of Wilson Street be removed; and
 - (ii) That a "One Hour Parking Time Limit, 8:00 a.m. to 9:00 p.m., 7 days a week" regulation be implemented on the east side of Mary Street commencing at Wilson Street and extending to a point 76 feet southerly therefrom.

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- (c) That the existing "Permit Parking" regulation on the east side of Ray Street South between Jackson Street West and Canada Street be replaced with a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation.
- (d)
 - (i) That parking be prohibited on the south side of the north leg of Burland Crescent from the east curb line of the west leg to a point 124 feet easterly therefrom; and
 - (ii) That parking be prohibited on the east side of the west leg of Burland Crescent from the south curb line of the north leg to a point 83 feet southerly therefrom.
- (e) That a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation, be implemented on the south side of Delmar Drive between Cambria Court and Geneva Drive.
- (f)
 - (i) That the existing "Permit Parking" regulation on the north side of Princess Street between Earl Street and Sherman Avenue be shortened such that there is unrestricted parking from Sherman Avenue to a point 134 feet west; and
 - (ii) That the maximum number of permits to be issued for the block be reduced from 20 to 18.
- (g)
 - (i) That a "Permit Parking" regulation be implemented on the north side of Woodbine Crescent commencing at a point 398 feet west of York Boulevard and extending to a point 22 feet westerly therefrom; and
 - (ii) That the Director of Traffic Services be authorized to issue, upon request, one parking permit to Mrs. P. Shabone, 27 Woodbine Crescent.
- (h) That the existing parking prohibition on the west side of Northgate Drive commencing at the southerly limit and extending to a point 45 feet northerly therefrom, be removed.

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- (i) (i) That westbound traffic on Avonbridge Court be required to stop for northbound and southbound traffic on Rexford Drive; and
- (ii) That westbound traffic on Ashcroft Drive be required to stop for northbound and southbound traffic on Rexford Drive; and
- (iii) That northbound traffic on Amblecote Place be required to stop for eastbound and westbound traffic on Ashcroft Drive; and
- (iv) That northbound traffic on Alconbury Drive be required to stop for eastbound and westbound traffic on Ashcroft Drive/Attfield Place; and
- (v) That eastbound traffic on Ambridge Court be required to stop for northbound and southbound traffic on Alconbury Drive; and
- (vi) That eastbound traffic on Avonmore Court be required to stop for northbound and southbound traffic on Alconbury Drive; and
- (vii) That eastbound traffic on Astonwood Drive be required to stop for northbound and southbound traffic on Rexford Drive; and
- (viii) That southbound traffic on Alconbury Drive be required to stop for eastbound and westbound traffic on Rexford Drive.
- (j) That a three-way stop control be implemented at the intersection of San Remo Drive and San Antonio Drive.
- (k) That a three-way stop control be implemented at the intersection of Hunter Street West and Poulette Street.

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14. That leave be granted to introduce the following Bills:

Bill A-137 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Bill A-138 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Tina Agnello, Secretary

November 5, 1990

11/13/90

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **TWENTIETH** Report for 1990 and respectfully recommends:

1. (a) That the Feasibility Study for a Senior Citizen's Recreation Centre - Final Report prepared by Institute of Environment Research Inc. dated September 1990 be accepted and that the Ministry of Tourism and Recreation be informed.
- (b) That the recommendations of The Feasibility Study for a Senior Citizens Centre - Final Report endorsed unanimously by the Steering Committee, be accepted for appropriate action.
- (c) That the site of Sackville Hill Memorial Park be accepted.
- (d) That the one floor plan for the Centre be accepted with architectural consideration for a future second floor.
- (e) That following Capital Budget approvals, the Director of Property be authorized to call for tenders in accordance with architectural design recommended by the Consultant's Report, for City Council approval.
- (f) That the contribution made by Mr. Sackville Hill be appropriately recognized by naming the new facility, "Sackville Hill Older Adult Recreation Centre".
- (g) That a plaque to identify Mr. Sackville Hill's donations to the City be appropriately placed.
- (h) That the capital cost projection of \$3.5 million be referred to the Finance and Administration Committee.

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2. (a) That a purchase order be issued to Moore/George Associates, Toronto, in the amount of \$98 600, being the lowest acceptable of seven (7) proposals received, for design specification, contract documents and construction supervision for the development of the Albion Falls Recreation Area, in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's proposal, and that this expenditure be financed from Red Hill Creek Master Plan Implementation Account No. CF5500 629054013.
 - (b) That a contract be entered into satisfactory to the City Solicitor.
 - (c) That a contingency of 10% of the contract amount be approved.
 3. That the purchase order to McLean-Peister Limited, Kitchener, in the amount of \$150 499, approved by Council 1990 August 28 be amended by adding the following change orders:
 - (a) Change Order 1
 - i. Steel Railing and Stone Pillar Fence - extra \$14 437.50
 - ii. Centre Lookout adjusting the geometry of paving stone and planting bed - credit 3 626.00
 - (b) Change Order 2
 - i. Strongman's Lookout - extra 2 691.60
 - ii. Paving Stone - extra 325.40
- and that this expenditure be financed from the Sam Lawrence Redevelopment Account No. CF5255 628954002.
- *4. That the Arena Feasibility Report prepared by Cummings Cockburn Inc. received at the 1989 November 7 meeting of the Parks and Recreation Committee be accepted and that the Ministry of Tourism and Recreation be informed that the Consultant has addressed the terms of reference and supports the revised site selection.

*Recorded vote, see page 3261

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5. That permission be granted to finance the replacement of Christmas decorations and the manpower requirements for the Christmas display in Gore Park, at an estimated cost of \$15 000 to be financed by means of an overdraft of approximately \$10 000 from Account No. CH 55321 70005.

NOTE: As a result of the break-in at the Public Works Storage area all traditional displays have been a major loss. Insurance replacements can be considered for 1991 but temporary measures are required for this year's decorations.

6. That a purchase order be issued to A. J. Clarke & Associates Ltd., Hamilton, in the amount of \$10 238.75, being the only price obtained, for survey costs, Chedoke Hospital Site, Twin Pad Arena, in accordance with Vendor's quotation, and that this expenditure be financed from West Mountain Twin Pad Arena-Soil Investigation Account No. CF5412 709041012.
7.
 - (a) That the Conceptual Design, Scheme No. 2, as set out in the Feasibility Study, Phase III, for the West Mountain Twin Pad Arena, prepared by Svedas, Koyanagi, Associates Inc., dated 1990 November 01 be approved as the preferred option for development of the project.
 - (b) That the total funding of the project of \$9 668 000 including road improvements to Chedmac Drive of \$450 000 be acknowledged and approved.
 - (c) That the additional capital cost projections in the amount of \$4 079 590 be referred to the Finance and Administration Committee.
 - (d) That the Arena Working Sub-Committee comprising of Aldermanic and Staff representatives, continue to oversee the project during construction.

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8. A. That the Option to Purchase Agreement between The Chedoke Health Corporation and the City be approved, encompassing:

- (a) Part of township Lot Number Fifty-Six (56), and Part of township Lot Number Fifty-Seven (57), in the second concession of the geographic township of Ancaster, now in the said City of Hamilton, and also being composed of Lot Numbers 233 to 238 (both inclusive) and Lot Number 242 and Parts of Lot Numbers 231, 232, 239, 240, 241, 243, 244, 245, 246, 247, 248 and Parts of Goulding Ave., Dunlop Ave. and Hendry Ave., all according to a Plan of Subdivision known as Mountain View Survey filed in the Land Registry Office for the Registry Division of Wentworth as Registered Plan Number 575, all of the hereinbefore described lands being designated as PARTS Twenty-One (21) and Twenty-Two (22) according to a Plan of Survey deposited as Plan 62R- (a copy of this draft Reference Plan prepared by A. J. Clarke & Associates Ltd. dated October 2, 1990 and numbered by them as Plan T-1220-B is attached hereto as Schedule "B" and said Plan is hereinafter referred to as the "draft Plan").

SUBJECT TO an Easement in favour of The Regional Municipality of Hamilton-Wentworth over Part of township Lot Number Fifty-Six (56) and Part of township Lot Number Fifty-Seven (57) in the second concession of the geographic township of Ancaster, now in the said City of Hamilton, and designated as PART Twenty-One (21) according to Plan 62R- (the said "draft Plan") aforesaid for the purposes set out in Instrument Number 146404 A.B..

The foregoing described land is hereinafter referred to as the "Arena lands".

- (b) Part of township Lot Number Fifty-Six (56), and Part of township Lot Number Fifty-Seven (57), in the second concession of the geographic township of Ancaster, now in the said City of Hamilton, and being designated as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19 and 20 according to a Plan of Survey deposited as Plan 62R- (a copy of this draft Reference Plan prepared by A. J. Clarke & Associates Ltd. dated October 2, 1990 and numbered by them as Plan T-1220-B is attached hereto as Schedule "B" and said Plan is hereinafter referred to as the "draft Plan").

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SUBJECT TO an Easement in favour of The Regional Municipality of Hamilton-Wentworth over Part of township Lot Number Fifty-Six (56) and Part of township Lot Number Fifty-Seven (57) in the second concession of the geographic township of Ancaster, now in the said City of Hamilton, and designated as PARTS One (1), Ten (10), Fifteen (15) and Eighteen (18) according to Plan 62R- (the said "draft Plan") aforesaid for the purposes set out in Instrument Number 146404 A.B..

SUBJECT TO a right-of-way over Part of township Lot 56 and Part of township Lot 57 in the second concession in the geographic township of Ancaster, now in the said City of Hamilton and designated as PARTS Six (6), Seven (7), Eight (8), Nine (9) and Ten (10) according to Plan 62R-(the said "draft Plan") aforesaid for the purposes set out in Instrument No. 191023 A.B..

SUBJECT TO an Easement in favour of Chedoke Health Corporation over Part of township Lot 57, concession 2, Township of Ancaster, designated as Parts Four (4) and Seven (7).

The foregoing described parcel of land is herein after referred to as the "Highway lands" with the exception of the one foot reserves included therein which may be referred to herein as the "Reserve Lands".

All of the above form part of 472 Sanatorium Road.

- B. That the Option to Purchase the said Arena, Highway and Reserve Lands duly executed on November 02, 1990 by Chedoke Health Corporation, be approved for completion within forty (40) days following the receipt by the City of the approval from the Ontario Municipal Board to the funding for the construction of a Civic Arena facility on the Arena lands and to the funding for the construction of improvements to and extension of the related access Highway on which date the owner will convey the said Arena, Highway and Reserve Lands to the City.

It is understood and agreed by both parties that the following conditions, restrictions and clarifications form a part of this agreement:

1. That the City of Hamilton is accepting title to the Arena lands (shown as Parts 21 and 22 on the draft Plan) from Chedoke Health Corporation for a six (6) acre parcel, more or less, for the sum of \$1.00 to be used as a site to house a Civic Arena(s) / Recreational facilities.

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2. (a) That the City of Hamilton is accepting title from Chedoke Health Corporation for the sum \$1.00;
 - to the lands shown as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15 and 16 on the draft Plan (the "Highway Lands") to be incorporated by
 - law into the public highway system, of which the present private Chedmac Drive forms a part, and
 - to the lands shown as Parts 17, 18, 19 and 20 for a one foot reserve.
- (b) Chedoke agrees to use its best efforts to cause Mohawk Hospital Services Incorporated (hereinafter referred to as "Mohawk") to release the lands shown as Parts 6, 7, 8, 9 and 10 on the draft Plan from its registered right-of-way and to convey Parts 11, 12 and 13 on the draft Plan to the City upon the closing of this transaction.

The said release of the right-of-way shall only be registered by the City at the same time or after the City has incorporated Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 into the public highway.
- (c) If Mohawk will not comply with paragraph (b) above on or before the said closing date Chedoke will convey a new arrangement of lands for the Highway, Arena and Reserve lands in accordance with the draft Plan thereof attached hereto as Schedule "D" and this Agreement, all its Schedules and all its references to the draft Plan and the Parts thereof shall be read as referring to Schedule "D".
- (d) The City covenants and agrees to incorporate by-law, the Highway Lands and Parts 11, 12 and 13 (with the exception of the said one foot reserves) into the public highway system immediately upon delivery and registration of the deeds therefor to the City.

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- (e) That if in the opinion of the City improvements are required to improve the existing Chedmac Drive (Parts 6, 7 and 8 on the draft Plan) for purposes of vehicular access to the proposed arena site, the City will be responsible for those costs (if any).
- (f)
 - (i) For vehicular access to and from the proposed arena, the City is responsible for the cost of building an extension to the existing Chedmac Drive through the Highway Lands and agrees (subject to Section 2(g) below) that no cost of the immediate work or subsequent work in constructing such extension shall be charged to the land owners abutting Parts 1 to 13.
 - (ii) Chedoke acknowledges that the City may recover from Chedoke, its successors and assigns, the costs (for one-half the width of the extension) of construction of that portion of the extension of Chedmac Drive from the westerly limits of Parts 9, 10 and 13 to the westerly limit of Part 16. Such cost may be collected by means of a one foot reserve along the limits of this portion of the extension in accordance with current City practices at the time of the development of the abutting lands.
- (g) The owners of the lands abutting the extension of Chedmac Drive, namely Chedoke or its successors and assigns will be responsible for the payment of normal charges when and if the City requires Chedmac Drive and the extension thereof and/or its intersection with Rice Avenue and/or any associated intersections to be upgraded as a result of the remaining lands of Chedoke or its successors and assigns, being developed for residential purposes;
- (h) It is understood and the City covenants for itself, its successors and assigns with Chedoke, its successors and assigns that the "normal charges" previously referred to will be those of general application only and shall not include the costs (if any) incurred by the City (referred to in paragraphs 2(e) and (f) in extending Chedmac Drive to the arena site or in improving Chedmac Drive for access to the arena site.

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- (i) The aforementioned charges will be based upon existing City policies at the time of the development and may be collected through the lifting of the said one-foot reserves.
- (j) Chedoke's deed to the City of the Highway lands may be subject to an underground easement for Chedoke's existing steam, hydro and other utility lines. The location of such easement within the Highway Lands is shown as Parts 4, 7 and 12 on the draft Plan. Such easement shall permit Chedoke at its expense to maintain, repair, replace and augment (subject to the approval of the City not to be unreasonably withheld) such services and shall include an indemnification of the City by Chedoke. Chedoke's expense shall include the costs to relocate any other utility affected by Chedoke's exercising any of its easement rights. Such easement shall be a non-exclusive easement to be enjoyed by Chedoke in common with such other easements which may be subsequently located within the proposed highway by operation of law or as a result of grants of easements by the City. The City shall ensure that such subsequent utility easements shall be installed in a manner and location which is least likely to interfere with Chedoke's rights under its easement. Chedoke agrees to release and discharge the easement(s) in the event that they cease to be required. Such easement in favour of Chedoke shall be entered into by the parties and registered by Chedoke at the closing of this transaction.
- (k) The City acknowledges that Chedoke is deeding for \$1.00 to the City, the Arena, the Highway and the Reserve Lands for the benefit of the City and for the benefit of the remaining lands of Chedoke, its successors and assigns on the understanding that after the closing of this transaction:
 - (a) the Highway lands will immediately be made part of the municipal highway system (subject to the one foot reserves referred to in paragraph [(f)(ii)]);

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- (b) the City, will if necessary permit preliminary subdivision work and servicing by subdividers (which have received the required approvals) on the adjacent vacant lands now owned by Chedoke (and which may subsequently be owned by subdividers), to proceed concurrently with the construction of the said road extension as early as April 15, 1993 (subject to the City having acquired title to the Highway lands by that date and subject to the payment of Chedoke's and/or the subsequent owner's share of the construction costs for the extension of Chedmac Drive west of the westerly limits of Parts 9, 10 and 13 which may be collected pursuant to the City's one foot reserves).
- (c) The City covenants and agrees that the construction of the extension to Chedmac Drive beyond Parts 6, 7 and 8 and through the Highway Lands will take place no later than the earlier of:
 - (i) the opening of the Arena, whenever it is built or
 - (ii) in time for and/or in conjunction with the construction of approved development on the abutting lands (owned by Chedoke or its successors) providing such extension need not be commenced sooner than April 15, 1993 or the date the City acquires title thereto, (whichever is later) as referred to in paragraph (b) above,

The City acknowledges that Chedoke having deeded the Highway Lands to the City for \$1.00 is relying upon the City to take all necessary steps to carry out, proceed with and expeditiously complete the construction of the said road extension within the said time frame in order that the development of the adjacent lands of Chedoke, its successors and assigns will not be delayed.

11/13/90

3. (a) Chedoke hereby agrees to grant the City an easement for \$1.00 for the right to discharge its storm water from the Highway/Reserve Lands and Parts 21 and 22 on the draft Plan onto the Chedoke remaining lands described as all of Parts 1 and 2 Plan 62R-5361, (save and except the described lands to be conveyed to the City herein) until such time as Municipal storm sewers are available to the Highway Lands and Parts 21 and 22 on the draft Plan. The City covenants and agrees not to discharge the storm water in such a fashion as to interfere with the usage of Chedoke's lands by Chedoke or its occupants.

Chedoke agrees to execute the said grant of easement such that the City shall register the easement at the closing of the City's purchase of the arena and highway lands.

- (b) The City shall, at its expense, construct the Arena site and the said extension of Chedmac Drive as well as the arena(s) /recreational facilities so as to facilitate an immediate connection to the municipal storm sewers once they are available.

Once municipal storm sewers are available the City shall forthwith at its expense connect the arena site, the extension of Chedmac Drive and the arena(s) / recreation facilities to the storm sewers and shall immediately thereafter at its expense, register a full release and quit claim of the easement on the title of Chedoke's lands.

4. Chedoke agrees that after the acceptance of this Option to Purchase by the City, that the City may at its sole risk and expense, from time to time, at any time prior to closing, enter the Highway/Reserve Lands and Parts 21, 22, and 23 on the draft Plan with its employees, agents, contractors and engineers for the purpose of conducting soil tests. Chedoke shall not be responsible for any loss, damage or injury which may result to the City, its employees, agents, contractors or engineers as a result of their entry upon the lands to conduct the soil tests.

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5. (a) Provided always that the City has exercised its Option and acquired the Arena lands (Parts 21 and 22) and has accepted title to and incorporated the Highway Lands into the public highway in accordance with the foregoing provisions of this Schedule "A", the City may exercise the Aquatic Option to purchase (submitted to the City together with the herein Arena Option) four (4) acres, more or less, of vacant land (the "aquatic site") located adjacent to the aforementioned arena site, which aquatic site is shown as Part 23 on the draft Plan.
- (b) Said Aquatic Option shall include the following terms and provisions:
- (i) The Aquatic Option will be open for acceptance by the City until December 20, 1993.
 - (ii) The Aquatic Option shall be in a form attached hereto as Schedule "C".
 - (iii) The Aquatic Option shall be executed by Chedoke and submitted to the City with the herein Arena Option.
 - (iv) The Option shall have a closing date which shall be 60 days after the later of:
 - (a) review and approval of the final plans for the Aquatic Centre by the City and Chedoke, and
 - (b) the execution of a written agreement among the City, Chedoke and Chedoke-McMaster Hospitals Inc. on terms satisfactory to the parties thereto providing for shared use of the Aquatic Centre.

and if the foregoing are not fulfilled by December 20, 1995 then the Agreement of Purchase and Sale arising out of the City's acceptance of the Aquatic Option shall be at an end, null and void.

11/13/90

- (v) The four (4) acre site will be used for an Aquatic facility which shall be designed in such a manner as to be suitable for hospital and therapeutic purposes as well as for general public purposes.
- 6. It is understood and agreed that the provisions of this Schedule "A" shall not be merged upon the closing of the purchase of the lands by the City provided for herein and in the attached Option, but that these Schedule "A" provisions shall continue.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 November 06

11\13\90

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTIETH** Report for 1990 and respectfully recommends:

1. That the Regional Municipality of Hamilton-Wentworth be requested to grant a one year extension to the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024) located south of Centennial Parkway, east of Greenhill Avenue in the Gershome Neighbourhood.
2. That approval be given to Proposed Plan of Condominium Application 25CDM-90009, Wentwood Place Properties Inc., owner, to establish a draft plan of condominium located at the north side of Stone Church Road East, west of Upper Wentworth Street, subject to the following:

That this approval apply to the plan prepared by J. D. Barnes Limited, dated 1990 June 19, showing 67 townhouse units.
3. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 41 Rymal Road West
 - (b) 1102 Upper James Street
 - (c) 252 Victoria Avenue North
 - (d) 256 Victoria Avenue North
4. That the City Solicitor be authorized and directed to amend By-law 83-253, to increase the allowed expenditure from \$1,000. to \$5,000. for the Chief Property Standards Officer to effect clean up and/or repair to any Order that is confirmed or modified as final and binding pursuant to Section 31(19) of The Planning Act.

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5. (a) That the City, in its capacity as Landlord, grant conditional approval to First Phase Civic Square Limited to expand the office space of Stelco Tower at the Plaza Level, the expansion contemplating the creation of 6,550 square feet of building on the Plaza Level adjacent to space formerly occupied by the Chamber of Commerce Dining Room, subject to First Phase:
 - (i) Complying with the requirements of the Ground Lease including additional ground lease payment, if any;
 - (ii) Complying with all Federal, Provincial, Regional and Municipal laws, by laws, requirements and regulations;
 - (iii) Providing the detailed plans and drawings for approval in accordance with the Ground Lease; and,
 - (iv) Executing any amendments to the Ground Lease, if formal amendments prove necessary.
 - (b) That the Lessee, First Phase Civic Square Limited be informed that this approval is preliminary only and is subject to the required plans, drawings and other documentation required by the Ground Lease and Development Agreement being received and approved by Council or the Co-Ordinator of the Lloyd D. Jackson Square as the Review Authority as the case may be, prior to final approval being given and prior to the commencement of any physical alteration to the leased premises and that the Lessee should act accordingly.
 - (c) That the City agree to reducing the publicly usable open space at the Plaza Level by the area of the proposed office space expansion.
6. That approval be given to Zoning Application 90-65, K. Dudzinski, owner for a modification to the established "DE-2" (Multiple Dwellings) District zoning regulations to permit the addition of a bachelor apartment unit to the existing legal non-conforming 11 unit apartment building for property located at 1 Prospect Street South, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

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- (i) Notwithstanding Section 10B of By-law No. 6593 a multiple dwelling containing not more than 12 dwelling units, and having a maximum gross floor area of 880 m², shall be permitted within the existing building;
- (ii) Notwithstanding Section 18A a minimum of two parking spaces shall be provided and maintained on-site.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1204, and that the subject lands on Zoning District Map E-33 be notated S-1204;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-33 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That a Building Permit not be issued until such time as the Director of the Traffic Department is satisfied that two parking spaces can be accommodated on site.

NOTE: The purpose of the By-law is to provide for a modification to the established "DE-2" (Multiple Dwellings) District zoning regulations for property located at 1 Prospect Street South.

The effect of the By-law is to permit the addition of a bachelor apartment unit to the existing 11 unit apartment building for a total of 12 dwelling units. In addition, it allows for a maximum gross floor area of 880 m² within the existing building.

In addition, a minimum of two parking spaces shall be provided and maintained on-site.

7. That approval be given to Zoning Application 90-66, 763225 Ontario Inc. (S. Hodgskiss), owner, requesting a modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, to permit the conversion of the existing building for a water treatment sales office, for property located at 158 Mary Street, as shown on the attached map marked as Appendix "B", on the following basis:

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- (a) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
- (i) That notwithstanding Section 10(1), the following additional uses shall be permitted only within the building existing at the date of the passing of the by-law:
- (1.) Commercial Use
- A water treatment sales office
- (2.) Accessory Use
- One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m^2 non-illuminated or illuminated by non-flashing indirect or interior means only, located at least 1.5 m from the nearest street line in connection with the commercial use.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1205, and that the subject lands on Zoning District Map E-4 be notated S-1205;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a modification to the "D" (Urban Protected Residential -One and Two-Family Dwellings, Townhouses, etc.) District, for property located at 158 Mary Street.

The effect of the by-law is to permit:

- (a) The conversion of the existing building for a water treatment sales office; and,
- (b) One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m^2 non-illuminated or illuminated by non-flashing indirect or interior means only, located at least 1.5 m from the nearest street line in connection with the commercial use.

8. That approval be given to amended Zoning Application 90-68, Frederick and Gwynette Seymour, owners, for a change in zoning from "JJ" (Restricted Light Industrial) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit a three (3) storey, 35 bed residential care facility for senior citizens, for property located at 186 and 188 Queen Street North, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That the subject lands be rezoned from "JJ" (Restricted Light Industrial) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
 - (b) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 11.(1)(iiib) of Zoning By-law No. 6593 a residential care facility for the accommodation of not more than 35 elderly residents of at least 60 years of age shall be permitted;
 - (ii) That notwithstanding Section 11.(2) of By-law No. 6593 a maximum building height of three storeys shall be permitted;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1206, and that the subject lands on Zoning District Map W-3 be notated S-1206;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council;
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - (f) That the Central Neighbourhood Plan be amended by redesignating the subject lands from "Industrial" to "Medium Density Apartments."

NOTE: The purpose of the By-law is to provide for a change in zoning from "JJ" (Restricted Light Industrial) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at 186 and 188 Queen Street North.

The effect of the By-law is to permit a residential care facility for the accommodation of not more than 35 elderly residents of at least 60 years of age.

In addition, the By-law limits the maximum building height to three storeys.

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9. (a) That approval be given to Subdivision Application 25T-89029, Falconstone Development Corporation, owner, to establish a draft plan of subdivision north of Stone Church Road and west of Upper Wentworth Street, subject to the following conditions:
- (i) That this approval apply to the Plan prepared by Falcone Smith Associates Inc., dated 1989 August 23, showing 40 lots, 14 blocks (Block "41" to "54" inclusive) for development with adjacent lands, three blocks (Block "55" to "57" inclusive) as 0.3 metre reserve and two Blocks "58" and "59" as road widenings.
 - (ii) That the streets and the street widening be dedicated to the City of Hamilton as public highway on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.
 - (vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That any dead-ends or open side of the road allowances created by the plan be terminated in 0.3m reserves (Blocks "55" to "57" inclusive) to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
 - (ix) That Blocks "41" to "54" inclusive be developed only in conjunction with abutting lands.
 - (x) That lots 1-18 not be registered until the construction of services on Crerar Drive to the north of this development has been approved.

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- (xi) That the road allowance along the front of lots 19 and 20 and along the flankage of lot 18 be established to the full width of the road allowance in the Final Plan.
 - (xii) That the road allowance along the flankage of lots 6 and 14 be established to show the full intersection at Crerar Drive and the east west local road in the Final Plan.
 - (xiii) That a minimum centreline radius of 110.0 metres be established along the centreline of Crerar Drive.
 - (xiv) That the owner dedicate sufficient lands to the Region, to establish the property line at 18.29m (60 feet) from the centreline of the original Upper Wentworth Street road allowance, and these lands be shown as a separate block.
 - (xv) That the owner dedicate sufficient lands to the Region, to establish the property line at 15.24M (50 feet) from the centreline of the original Stone Church Road allowance, and these lands be shown as a separate block.
 - (xvi) That the cul-de-sac road allowance width must be increased to 20.0 metres.
 - (xvii) That prior to the final plan, sewers and watermain have been extended to service this development.
 - (xviii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xix) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89029, Falconstone Development Corporation), owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Crerar Neighbourhood plan be changed accordingly.

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10. That approval be given to Zoning Application 89-89, Falconstone Development Corporation, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to subdivide the subject land into building lots for single-family detached dwellings, for property located on the west side of Upper Wentworth Street and north of Stone Church Road East, as shown on the attached map marked as Appendix "D" on the following basis.
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law NO. 6593 and Zoning District Map E-18C for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located on the west side of Upper Wentworth Street and north of Stone Church Road East.

The effect of the By-law is to subdivide the subject land into building lots for single-family detached dwellings.

- *11. That approval be given to amended Zoning Application 89-123, Fenwood Developments Ltd., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "CR-2" (Commercial-Residential) District for Block "1", from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "CR-2" (Commercial-Residential) District for Block "2", from "G-3" (Public Parking Lots) District to "CR-2" (Commercial-Residential) District for Block "3", and from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial-Residential) District for Block "4", to permit development of the subject lands as a twin tower condominium apartment building with 9,000 square feet of commercial floor space, for property located at 690 Main Street West, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "CR-2" (Commercial-Residential) District;
 - (b) That Block "2" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "CR-2" (Commercial-Residential) District;

**Recorded vote, see page 3261*

- (c) That Block "3" be rezoned from "G-3" (Public Parking Lots) District to "CR-2" (Commercial-Residential) District;
- (d) That Block "4" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial-Residential) District;
- (e) That the "CR-2" (Commercial-Residential) District regulations, as contained in Section 15B of Zoning By-law No. 6593, applicable to Blocks "1", "2", "3", and "4", be modified to include the following variance as a special provision:

That notwithstanding Section 18(4)(iv), one accessory structure shall be permitted in the required front yard and west side yard;

- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1207, and the subject lands on Zoning District Map W-73 be notated S-1207;
- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-73 for presentation to City Council; and,
- (h) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (i) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of site plans, which include the implementation of a Shadow Casting Analysis to the satisfaction of the Director of Local Planning.

NOTE: The purpose of the By-law is to establish changes in zoning from "C" (Urban Protected Residential, etc.) District to "CR-2" (Commercial-Residential) District for Block "1", from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "CR-2" (Commercial-Residential) District for Block "2", from "G-3" (Public Parking Lots) District to "CR-2" (Commercial-Residential) District for Block "3", and from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial-Residential) District for Block "4", for property located at 690 Main Street West.

The effect of the By-law is to permit development of the subject lands for a twin tower condominium apartment building (maximum 18 storeys in height) joined by a one-storey building consisting of 9,000 square feet of commercial floor space. In addition, the By-law provides a variance to permit a tennis court in the required front and west side yards.

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12. That approval be given to a further amended Zoning Application 90-21, Patran Limited Holdings, owner, for a change in zoning from "J" (Light and Limited Heavy Industrial) District to "E-3" (High Density Multiple Dwellings) District modified (Block "1") and a modification to the "J" (Light and Limited Heavy Industry, etc.) District (Block "2"), to permit the development of the subject lands for two, three storey; one six storey; and one fifteen storey multiple dwellings (Block "1"), and to eliminate industrial uses on Block "2", for the properties located at 125 Napier Street and 55 Queen Street North, shown as Blocks "1" and "2" on the attached map marked as Appendix "F", on the following basis:
- (a) That Block "1" be rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "E-3" (High Density Multiple Dwellings) District;
 - (b) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 11C(1a), no building or structure or portion thereof shall exceed:
 - (1.) Three storeys in height within area "A" on Appendix "G";
 - (2.) Six storeys in height within area "B" on Appendix "G";
 - and,
 - (3.) Fifteen storeys in height within area "C" on Appendix "G".
 - (ii) That a minimum 3.0 m wide landscaped strip and a visual barrier not less than 1.2 m and not greater than 2.0 m in height shall be provided and maintained along the westerly lot line.
 - (iii) That in addition to the requirements of Section 18A(1), an additional 15 parking spaces shall be provided and maintained on the lot.
 - (c) That the "J" (Light and Limited Heavy Industry, etc.) District regulations, as contained in Section 16 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

That notwithstanding Section 16.(1), no industrial uses shall be permitted.

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1208, and that the subject lands on Zoning District Map W-12 be notated S-1208;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council;
- (f) That the Strathcona Neighbourhood Plan be amended by redesignating Block "1" from "Medium Density Apartments" to "High Density Apartments".
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for changes in zoning from "J" (Light and Limited Heavy Industrial) District to "E-3" (High Density Multiple Dwellings) District modified (Block "1") and a modification to the "J" (Light and Limited Heavy Industry, etc.) District (Block "2"), for the properties located at 125 Napier Street and 55 Queen Street North.

The effect of this By-law is to permit the redevelopment of the subject lands for two, three storey; one six storey; and one fifteen storey multiple dwellings (Block "1"), and to eliminate industrial uses for the lands on Block "2".

In addition, the by-law requires that:

- (a) A minimum 3.0 m wide landscaped strip and 1.2 m to 2.0 m high visual barrier be provided and maintained along the westerly lot line of Block "1"; and,
- (b) An additional fifteen parking spaces be provided and maintained for the multiple dwelling development on Block "1".

13. That leave be granted to introduce the following Bills:

- (a) C-154 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 480 Rymal Road West.
- (b) C-155 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 694 and 696 Upper James Street.
- (c) C-156 A By-law to establish Site Plan Control respecting lands located at Municipal Nos. 694 and 696 Upper James Street.
- (d) C-157 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 710 Upper James Street.

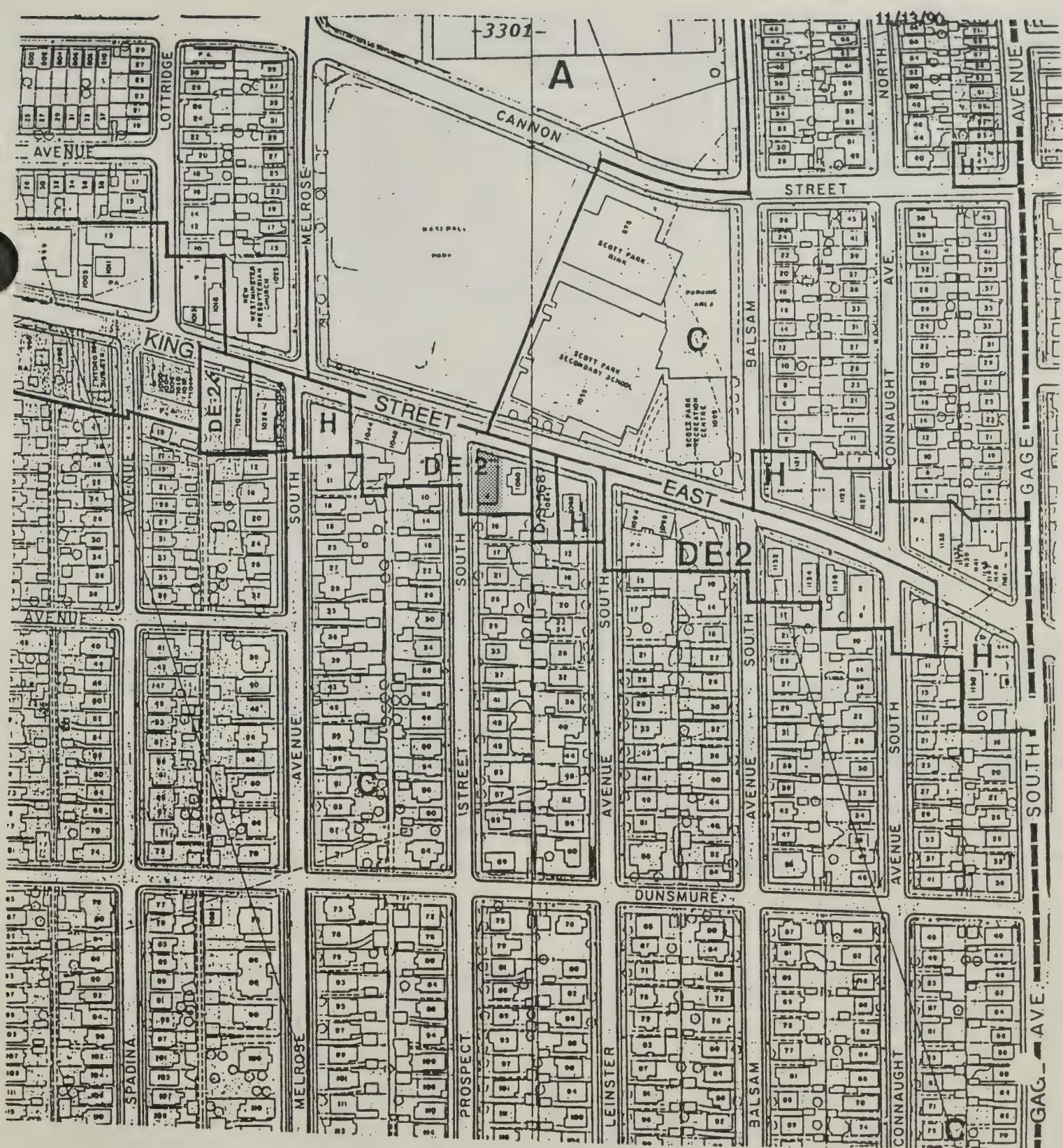
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- (e) C-158 A By-law to establish Site Plan Control respecting land located at Municipal No. 710 Upper James Street.
- (f) C-159 A By-law to adopt Official Plan Amendment No. 95 respecting land located at Municipal No. 1280 Rymal Road East within the Hannon West Neighbourhood.
- (g) C-160 A By-law to amend Zoning By-law No. 6593 respecting land located on the east side of Pritchard Road, in the area south of Highland Road.

Respectfully submitted,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1990 November 7**

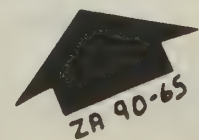


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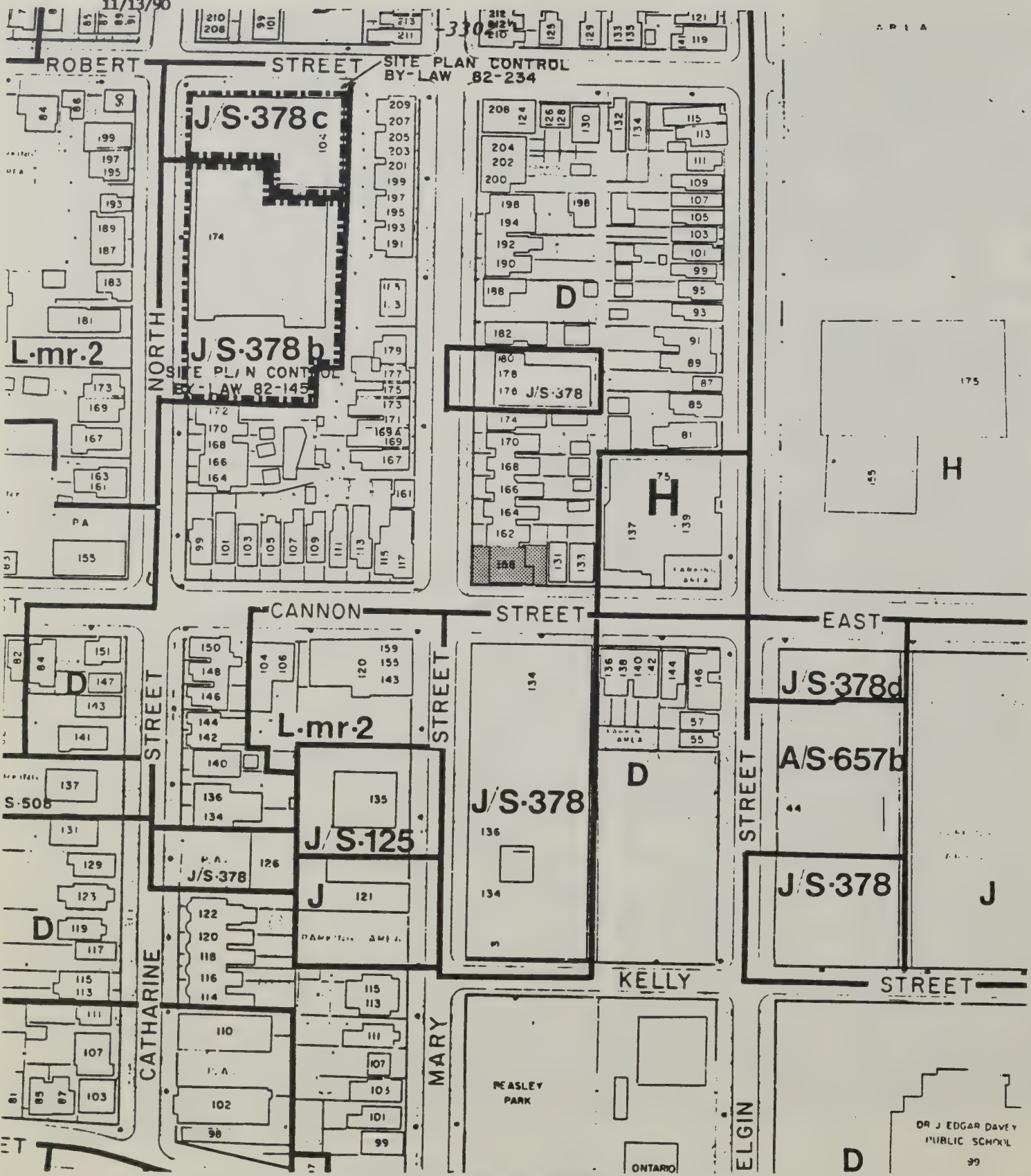


Site of the Application

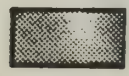
Appendix "A" as referred to in
Section 6 of the TWENTIETH
Report for 1990 of the
Planning & Development Committee



APPENDIX A



Legend



Site of the Application

Appendix 'B' as referred to in
Section 7 of the TWENTIETH
Report for 1990 of the Planning
& Development Committee.



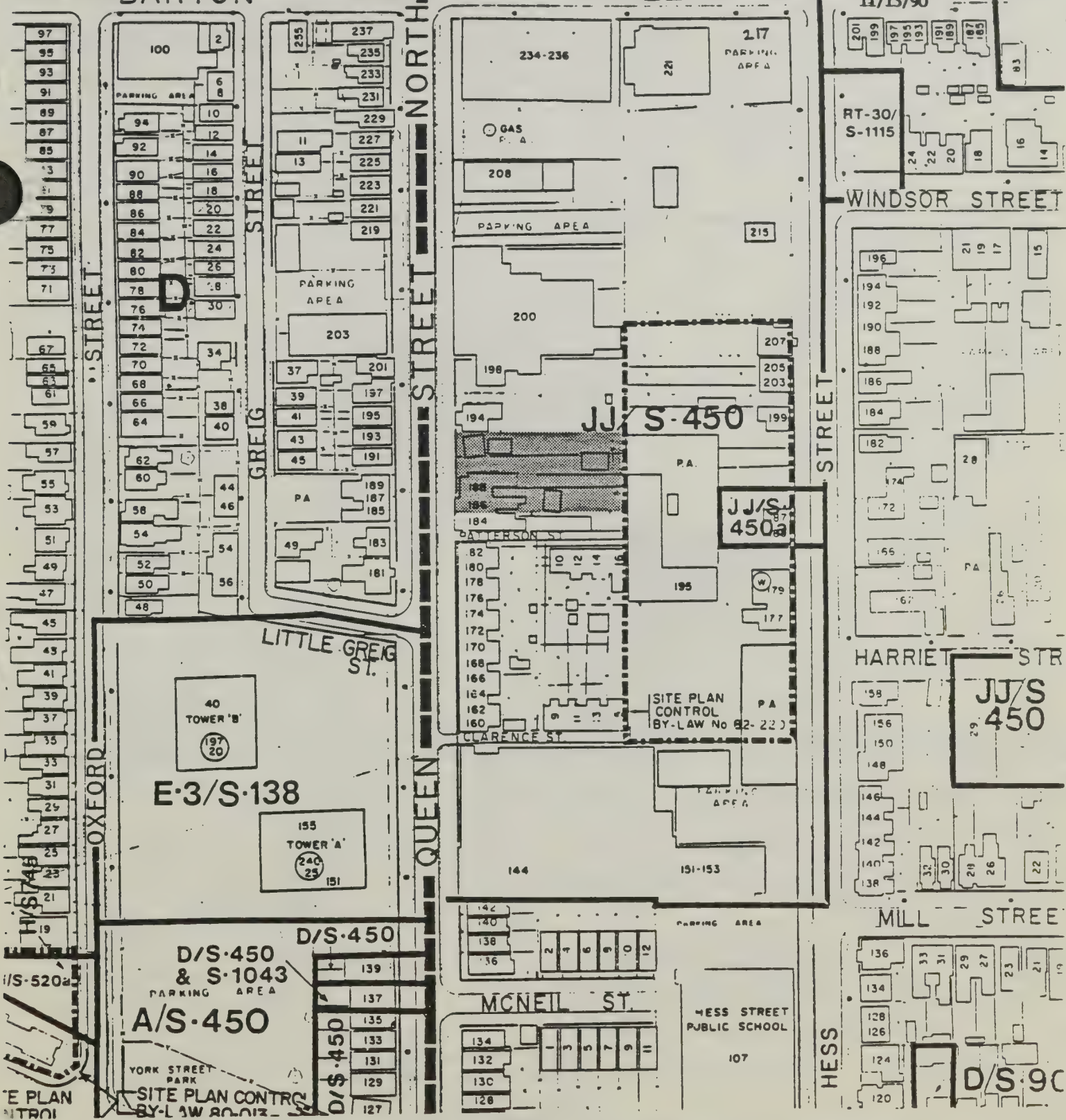
APPENDIX A

BARTON

STREET

WEST

11/13/90



Legend



Site of the Application

Appendix 'C' as referred to in
Section 8 of the TWENTIETH
Report for 1990 of the Planning
& Development Committee.



11/13/90

LATORRE COURT

AQUILA PLACE

PESCARA AVE.

SOUTH PARK AVENUE

WENTWORTH STREET

UPPER STREET

CHURCH ROAD

DELANCEY

DE/S-787

E-2/S-649

D/S-580a

MARK PLACE

BENEMAR COURT

DESANTIS COURT

WOODHAVEN PLACE

E-2/S-573

D/S-573

ACADIA DRIVE

E-2/S-620

MORNINGTON DR.

BOULEVARD

DELANCEY

AA

C

G

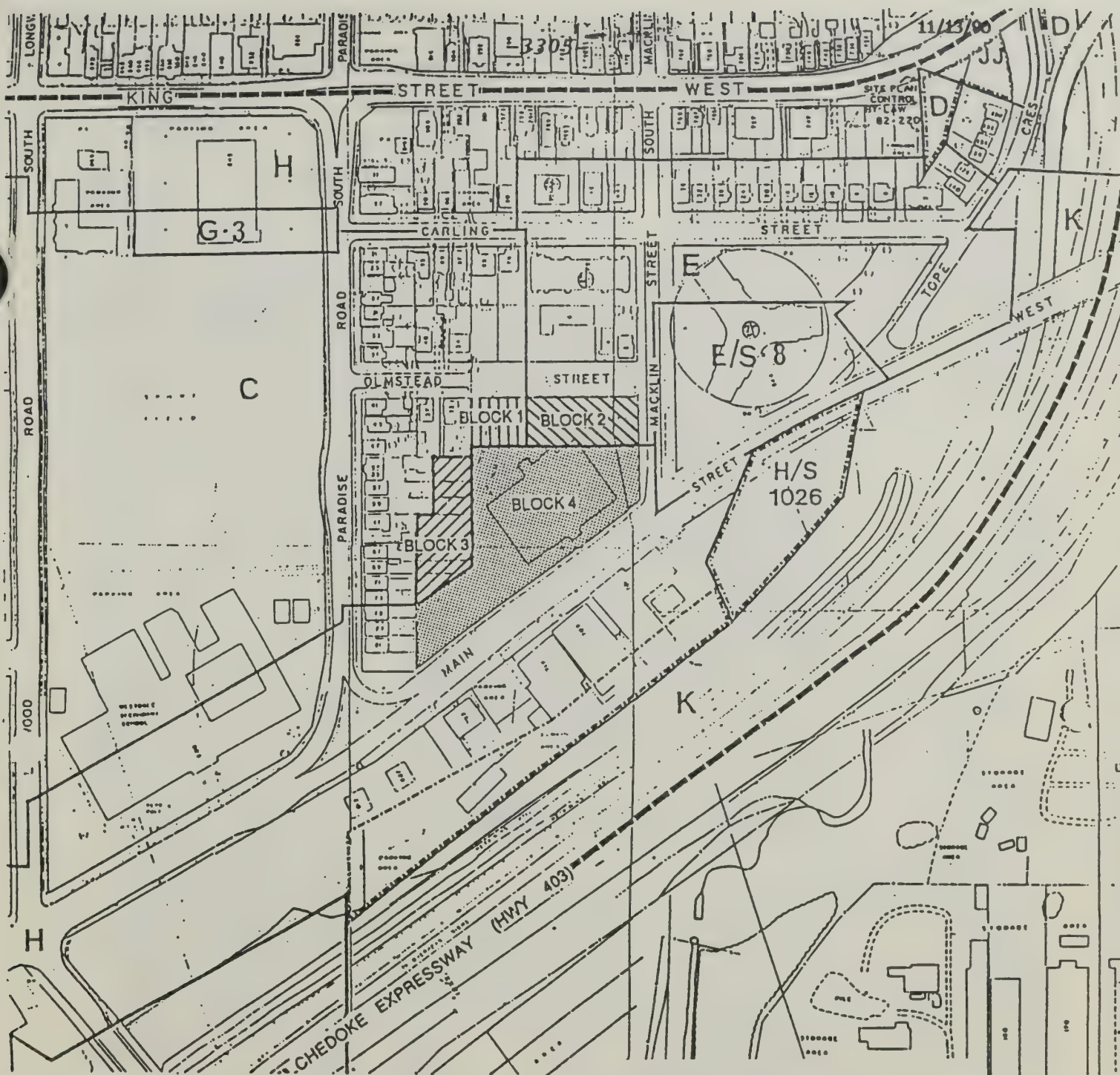
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Site of the Application







APPENDIX A



Legend

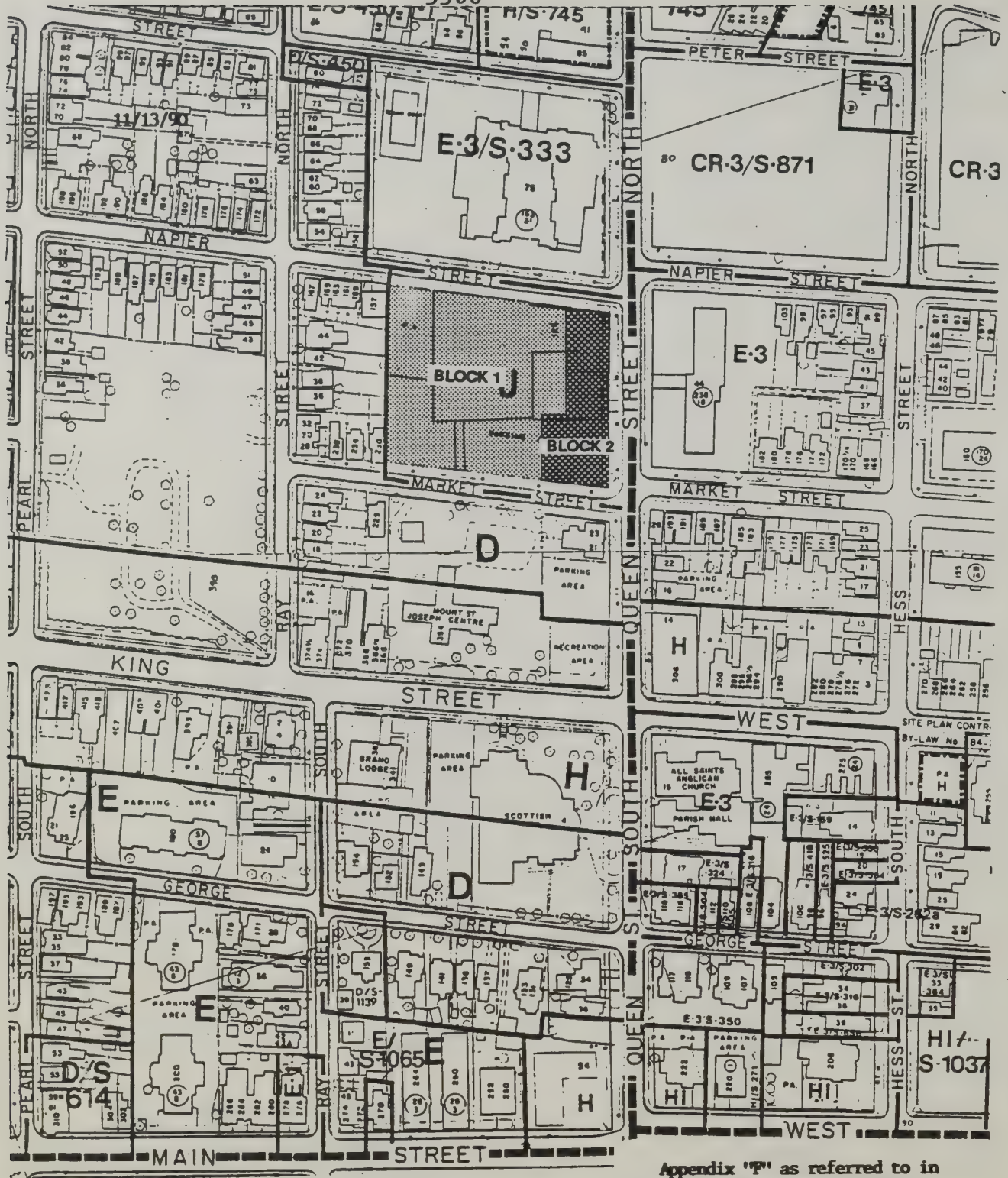
Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc.) District to "CR-2" (Commercial-Residential) District. |
| BLOCK 2 |  | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "CR-2" (Commercial-Residential) District. |
| BLOCK 3 |  | "G-3" (Public Parking Lots) Districts to "CR-2" (Commercial-Residential) District. |
| BLOCK 4 |  | "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial-Residential) District. |



Appendix "E" as referred to in
Section 11 of the TWENTIETH
Report for 1990 of the
Planning & Development Committee.



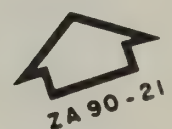
APPENDIX A



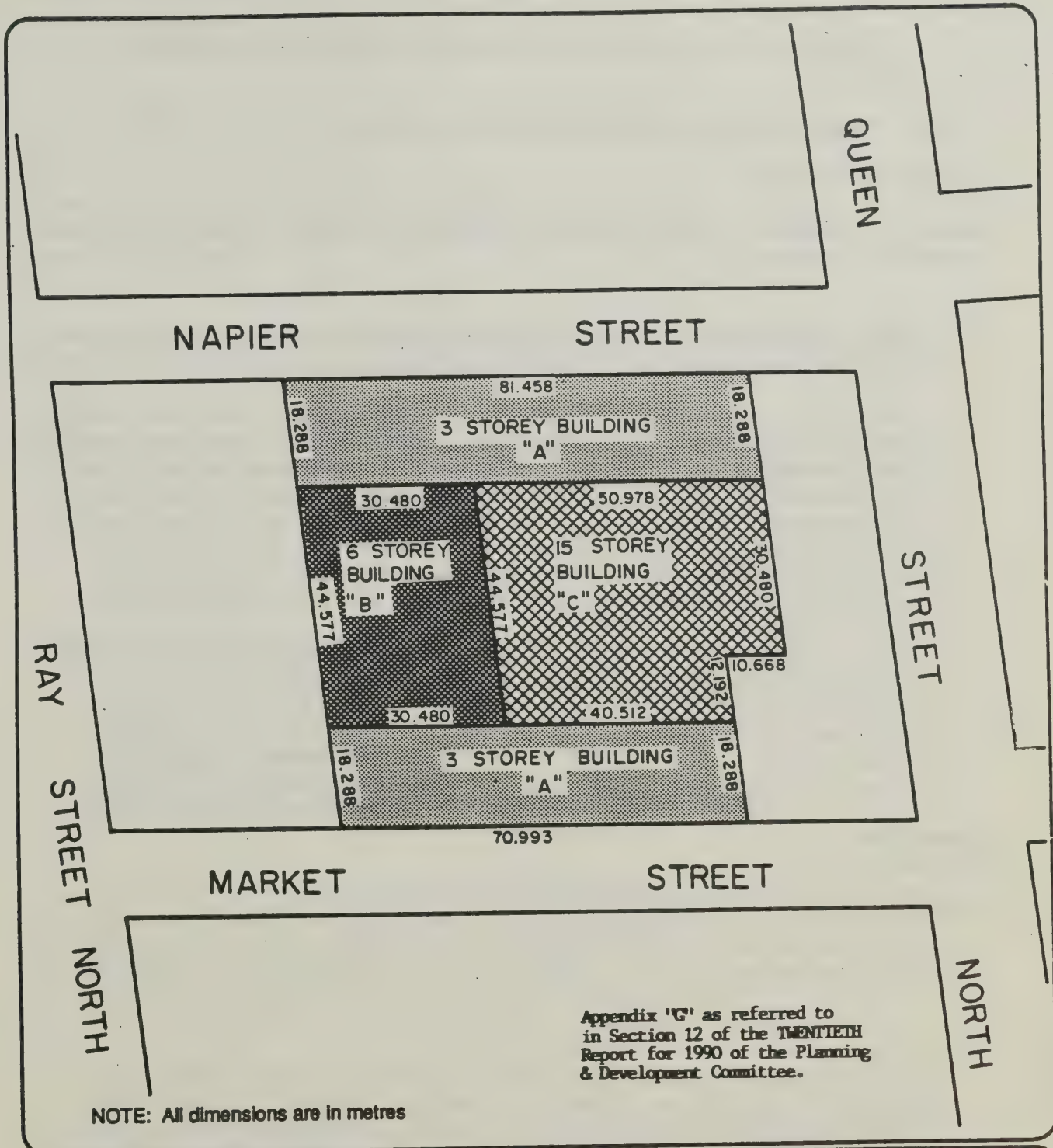
LEGEND

- BLOCK 1**  CHANGE IN ZONING FROM "J" (LIGHT AND LIMITED HEAVY INDUSTRY, ETC.) DISTRICT TO "E-3" (HIGH DENSITY MULTIPLE DWELLINGS) DISTRICT, MODIFIED.
- BLOCK 2**  MODIFICATION TO THE "J" (LIGHT AND LIMITED HEAVY INDUSTRY, ETC.) DISTRICT.

Appendix "F" as referred to in
Section 12 of the TWENTIETH
Report for 1990 of the Planning &
Development Committee.



APPENDIX A



City of Hamilton

APPENDIX B

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Envelope "A"

Envelope "B"

Envelope "C"

North



Scale
NOT TO SCALE

Date
OCTOBER, 1990

Reference File No.
ZA-90-21

Drawn By
T.A.

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **SEVENTH** Report for 1990 and respectfully recommends:

1. That the Cab Driver Licence of Robert Vacola, 79 James Street South, Room 404, Hamilton be suspended for a four-week period.

NOTE: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 October 24 held a Show Cause Hearing and recommended that the foregoing Cab Driver Licence be suspended for a four-week period on the grounds that the Licence holder committed driving infractions while on probation.

Further information can be obtained from the Secretary.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE
CHAIRMAN
LICENSING COMMITTEE**

**Stella Glover
Secretary**

1990 October 24

11/13/90

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-FIFTH** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Eastgate Ford Sales, Hamilton, in the amount of \$329 459.40, being the lowest acceptable of six (6) tenders received, for the replacement of two (2) and purchase of one (1) Truck Chassis with Street Flushers for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH 5X503 00101 (\$219 639.60) and New Equipment Street Flusher Account No. CF 5500 608851001 (\$109 819.80).

NOTE: If the units can be ordered immediately for delivery in 1990, a savings of \$9 376.50 will be realized as the GST will not have to be paid. Therefore the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

2. That a purchase order be issued to Ontario Restoration Limited, Brantford, in the amount of \$12 500, being the lowest of four (4) quotations received, to provide Masonry Restoration at Whitehern, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from Special Repairs Account No. CH 57351 31150.
3. That a purchase order be issued to J.P. Hammill & Son Limited, Guelph, being the lowest of seven (7) tenders received, for the supply and delivery of Workmen's Uniform Clothing as and when required, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender as follows, and that this expenditure be financed from Stores Operating Supplies Account No. CH 56103 28999:

11/13/90

Trousers	\$12.25 each
Short Sleeve Shirts	10.25 "
Long Sleeve Shirts	11.50 "
Overall Jackets	17.00 "
Overall Pants	24.95 "
Crested Coveralls	23.75 "

All applicable taxes extra

4. That a purchase order be issued to G.C.Duke Equipment Ltd., Burlington, in the amount of \$226 853.20, being the lowest acceptable of four (4) tenders received, to replace two Street Sweepers, Units #9558 and 9562 for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Reserve for Replacement of Mobile Equipment Account No. CH 5X503 00101.

NOTE: As delivery is approximately thirty days and there will be a savings of \$8 225 if delivery is in 1990, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

5. That the request of the Croatian National Home to fly the Croatian National Flag at City Hall from 1990 November 11-17 during Croatian National Home week be granted.
6. That permission be granted to the Committee on Communications and History of the Presbytery of Hamilton, the Presbyterian Church in Canada, to use the Council Chamber and adjoining area from 10:00 a.m. till 12:00 noon on Saturday, 1990 December 08 for the launching of a new book containing a history of the Presbytery of Hamilton.
7. That permission be granted to the Hamilton Society of Architects to use an area on the second floor of City Hall from 1990 November 26 to December 07 to display submissions for Leather Metal Awards.

11/13/90

8. That permission be granted to the Jewish Community Centre, Hamilton-Wentworth and Area, to place their Chanukah Menorah on the balcony outside the Council Chamber from 1990 December 10 to 19, and to use the Council Chamber on Thursday, 1990 December 13 from 3:45 p.m. to 5:00 p.m. for the Chanukah Celebrations.
9. That a civic gold pin and civic gold ring be awarded to Lenore MacDonald for winning the 1990 Masters Ladies Figures Division Provincial Championship and the 1990 Masters Figures Division National Championship for Roller Skating respectively.
10. That civic gold pins be awarded to Mark Hebert and Gordon McLean for winning the Ontario Provincial Junior Ten Pin Bowling Tournament in the Class (A) and Class (D) Divisions respectively.
11. That a civic gold ring be awarded to Jim Lamb for winning the 1990 Canadian Junior Men's Body Building Championships.
12. That the request of the Director of Public Relations, Hamilton Civic Hospitals, for permission to use the City of Hamilton Coat of Arms on a logo designed by nurses at the Hamilton Civic Hospitals, be approved.
13. That, as referred to in Section 5 of the Fifteenth Report of the Transport and Environment Committee, the increased City's share of \$17 053.74 related to the agreement with Wellington Chase Inc. for lands on the east side of Upper Wellington Street, as originally approved by City Council on 1988 December 13, be funded from the "Reserve for Services Through Unsubdivided Lands", Centre #00107.
14. That the contract settlement of the Ontario Painting Contractors Association and the International Brotherhood of Painters and Allied Trades, Local 205, be received pursuant to the Fair Wage Policy of the City of Hamilton.
15. That the contract settlement of the Mechanical Contractors Association of Hamilton and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Local Union 67, be received pursuant to the Fair Wage Policy of the City of Hamilton.

11/13/90

16. That the Appointments To and Terminations from Permanent positions with the Corporation to October 29, 1990, attached hereto and marked Appendix "A", be approved.
17. That approval be given to cancel the following regularly scheduled meetings in the latter part of December 1990 and in early January 1991 due to the Christmas and New Year Holiday season:
 - 1) Transport & Environment Committee - Monday 1990 December 31
 - 2) Planning & Development Committee - Wednesday, 1991 January 2
 - 3) Finance and Administration Committee - Thursday, 1991 January 3
 - 4) City Council - Tuesday, 1991 January 8
18. That the form of Agreement to be entered into between the Regional Municipality of Hamilton-Wentworth, the Corporation of the City of Hamilton, and Ridesic, Preisman and Robinson Consultants Incorporated for the Asbestos Control Program reflect the following:
 - i) the waiver of the City's standard indemnification requirement;
 - ii) the waiver of the City's standard requirement for Professional Liability Insurance;
 - iii) the requirement that the Consultant provide the City and the Region jointly with an irrevocable Letter of Credit in an amount of not less than \$10 000 in a form satisfactory to the City Solicitor and the Acting Commissioner of Legal Services.
19. (a) That Cable 14 TV Hamilton be granted approval to place a television camera and table within the pedestrian bridge across King Street West on 1990 November 17 between the hours of 7:00 a.m. and 1:00 p.m. in order for Cable 14 to transmit the Hamilton Santa Claus Parade live to the citizens of Hamilton.
- (b) That the Director of Property be granted the authority to approve of a similar use in future years.

11/13/90

20.
 - (a) That the Hamilton Farmers' Market fees be increased by five per cent (5%), as per Appendix "B" attached hereto.
 - (b) That the City Solicitor be directed to prepare a By-law to Amend By-law No. 81-180 "To Regulate the Hamilton Farmers' Market" to reflect this increase for submission to City Council.
21. That the City make an Offer to Settle in Ontario Court of Justice (General Division) Action 2353/86 in the following terms:
 - (a) That the Defendant, Jockey Club Tavern Limited, pay to the Plaintiff all B.I.A. levies owing up to the date of acceptance of the Offer without interest or penalty.
 - (b) That if the Defendant accepts the Offer within thirty days of its date, each party will bear its own costs.
 - (c) That if the Defendant accepts the Offer after thirty days from its date, the Defendant shall pay to the Plaintiff its party and party costs in an amount to be agreed or assessed.
 - (d) That the Offer remain open for acceptance until withdrawn or the commencement of trial whichever first occurs.
22. That the City Offer to Settle in Ontario Court of Justice (General Division) Action No. 5300/86 on the following terms:
 - (a) That the City of Hamilton shall pay to the Plaintiff, John Edwin Orr, \$3 000 on account of all damages.
 - (b) That the City of Hamilton shall pay to the Plaintiff, John Edwin Orr, prejudgment interest on the aforesaid amount in accordance with the Courts of Justice Act.
 - (c) That the City of Hamilton shall pay to John Edwin Orr his party/party costs in an amount to be agreed or assessed.
 - (d) This offer is open for acceptance until withdrawn or the commencement of trial whichever first occurs.

11/13/90

23. That the City of Hamilton increase its Offer to Settle in Ontario Court of Justice (General Division) Action No. 5157/88 from \$5 000 to \$5 250, inclusive of interest and costs, payable to the Plaintiffs, Deborah and Michael Staats.
24. (a) That the Hydrant Charges for fire protection - water rates and sewer surcharge in the amount of \$1 136 320 and Hydrant surcharge in the amount of \$142 040 to a total of \$1 278 360 as provided in the 1990 Fire Department budget for payment to the Regional Municipality of Hamilton-Wentworth be discontinued commencing as of January 1, 1991.
(b) That the Regional Municipality of Hamilton-Wentworth be notified of the City's resolution in this respect.
25. (a) That, as referred to in Section 1 of the Twentieth Report of the Parks and Recreation Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct the Senior Citizen's Centre at Sackville Hill Memorial Park at an estimated cost of \$3 500 000 by the issuance of debentures for a period not to exceed 20 years.
(b) That the Regional Municipality of Hamilton-Wentworth be requested to consent to the issuance of debentures in the amount of \$3 500 000 for a term not to exceed 20 years for the above project.
26. (a) That, as referred to in Section 7 of the Twentieth Report of the Parks and Recreation Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct the new West Mountain Twin Pad Arena including road improvement on Chedmac Drive at an estimated cost of \$9 668 000 by the issuance of debentures for a period not to exceed 20 years.
(b) That the Regional Municipality of Hamilton-Wentworth be requested to consent to the issuance of debentures in the amount of \$9 668 000 for a term not to exceed 20 years for the above project.
27. That the request of Mahabir Homes Limited for relief of payment of Development Charges for the property at 280 Limeridge Road East be denied.

NOTE: After hearing the evidence and submissions of the complainant, the Finance and Administration Committee at a hearing held 1990 November 08 confirmed the Development Charges for the above property.

11/13/90

28. That the following resolution, which has been referred to the City of Hamilton by the Regional Municipality of Hamilton-Wentworth for support, be endorsed.
- (a) That the Regional Municipality of Hamilton-Wentworth declare itself a G.S.T. - Tax Free Zone; and,
 - (b) That this resolution be circulated to Canadian Municipalities with populations over 50 000.
29. For the information of the Members of City Council, the Farmers' Market Sub-Committee, at their meeting of 1990 October 30, scheduled the Market Days during the 1990 Christmas season as follows:

Christmas Week

New Year's Week

Monday, December 24, 1990
Thursday, December 27, 1990
Friday, December 28, 1990
Saturday, December 29, 1990

Monday, December 31, 1990
Thursday, January 3, 1991
Friday, January 4, 1991
Saturday, January 5, 1991

30. That leave be granted to introduce the following Bills:

Bill H-112 A By-law to Amend Various Licensing By-laws Respecting Fees

Bill H-113 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1990 November 8

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Mr. Gene Abel	Parking Control Supervisor (N-2)	Traffic	Additional Staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$35,391.72 per annum (2 of 5)	24/09/90
Mr. John Bowker	Meter Serviceman/ woman I (A-4)	Traffic	Replacing Mr. T. Tozzi - returned to former position	\$24,597.56 to \$27,725.88	\$26,990.08 per annum (4 of 5)	04/09/90
Mr. Randy Bukowski	Probationary Fire Fighter (N-1)	Fire	Replacing Mr. E. Smith - retired	\$30,680.22	\$30,680.22 per annum (1 of 1)	15/10/90
Mr. Grant Bутtenham	Probationary Fire Fighter (N-1A)	Fire	Replacing Mr. G. Colbourne - deceased	\$30,680.22	\$30,680.22 per annum (1 of 1)	15/10/90
Mr. James Crechiola	Traffic Serviceman/ woman I (A-4)	Traffic	Replacing Mr. S. Doan - resigned	\$24,597.56 to \$27,725.88	\$25,529.52 per annum (2 of 5)	01/10/90
Mr. Paul Croonen	Probationary Fire Fighter (N-1)	Fire	Additional Staff - approved 1990 Budget	\$30,788.67	\$30,788.67 per annum (1 of 1)	15/10/90
Mr. Ron Doucet	Inspector (A-12)	Building	Replacing Mr. H. MacMillan - retired	\$34,223.80 to \$40,150.24	\$35,778.08 per annum (2 of 5)	28/09/90
Mr. Jim Friend	Probationary Fire Fighter (N-1)	Fire	Replacing Mr. J. Williams - retired	\$33,040.08	\$33,040.08 per annum (1 of 1)	15/10/90

Prepared 29/10/90

THE CORPORATION FOR THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Mr. Joe Holmes	Foreman-woman III-Parks (13-C)	Public Works	Additional Staff - council approved 1990 Budget	\$30,788.67	\$30,788.67 per annum (1 of 1)	15/10/90
Ms. Joan Kelp	Typist Clerk II (E-2)	Public Works	Replacing Ms. R. Blanchard - promoted	\$19,756.36 to \$21,283.60	\$20,545.20 per annum (1 of 23)	15/10/90
Ms. Catherine McDougall	Typist Clerk II (E-2)	Culture & Recreation	Replacing Ms. L. Zajac - promoted	\$19,756.36 to \$21,283.60	\$19,756.36 per annum (1 of 3)	22/10/90
Ms. Annette McGaughey	Support Services Technician (A-9A)	Information Systems	Reorganization - council approved January 30, 1990	\$31,019.56 to \$36,986.04	\$31,019.56 per annum (1 of 5)	22/10/90
Mr. Robert Spearing	Probationary Fire Fighter (N-1)	Fire	Replacing Mr. R. Lewis - retired	\$30,680.22	\$30,680.22 per annum (1 of 1)	15/10/90
Mr. Ronald Summers	Probationary Fire Fighter (N-1)	Fire	Replacing Mr. W. Midwinter - retired	\$30,680.22	\$30,680.22 per annum (1 of 1)	15/10/90
Mr. Bill Thompson	Traffic Serviceman/Woman I (A-4)	Traffic	Replacing Mr. J. Bowker - promoted	\$24,597.56 to \$27,725.88	\$25,519.52 per annum (2 of 5)	10/10/90
Mr. Michael Toth	Probationary Fire Fighter (N-1)	Fire	Replacing Mr. P. McLaughlin - retired	\$30,680.22	\$30,680.22 per annum (1 of 1)	15/10/90

Prepared 29/10

THE CORPORATION FOR THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Mr. Patrick Warner	Probationary Fire Fighter (N-1)	Fire	Additional Staff - approved 1990 budget	\$30,788.67	\$30,788.67 per annum (1 of 1)	10/06/90
Mr. John Whitwell	Typist Clerk II (E-2)	Treasury	Replacing Ms. Ann Orzel - promoted	\$19,756.36 to \$21,283.60	\$20,545.20 per annum (2 of 4)	18/10/90
Ms. Francis Wright	Probationary Fire Fighter (N-1)	Fire	Replacing Mr. D. Wesley - retired	\$30,680.22	\$30,680.22 per annum (1 of 1)	15/10/90
Ms. Loretta Zajac	Junior Cost Control Clerk (A-3)	Culture & Recreation	Replacing Ms. C. Franceschini - promoted	\$22,945.00 to \$26,065.52	\$22,945.00 per annum (1 of 4)	08/10/90

Prepared 29/10/90

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON	LENGTH OF SERVICE	EFFECTIVE DATE
Mr. Ivan Carter	Assistant Manager (Property Mtc. Division)	Property	Deceased	1 years, 6 months	08/06/90
Ms. Francine Kell	Gardener 1	Public Works	Resigned	2 years, 3 months	28/09/90
Mr. Jim Elder	Operations & House Manager (Hamilton Place)	H.E.C.F.I.	Retired	13 years	31/10/90
Mr. Ed Kowalski	Director	Community Development	Retired	38 years	31/10/90
Mr. Howard MacMillan	Inspector	Building	Retired	15 years, 4 months	31/09/90
Ms. Linda Ratke	Typist Clerk II	Treasury	Resigned	2 years, 11 month	21/09/90

Prepared 29/10/90

SCHEDULE 'B'
 TO
 BY-LAW NO. 87-324

SCHEDULE 'B'

(Section 7)

PART 1: PRODUCERS' AND DEALERS' FEES

Stand Number	Location	Amount of Producers' and Dealers' Fees	
		Per Month	Per Day
1 to 8	(Refrigeration Units)	\$ 265.00	N/A
12 to 18	(Refrigeration Units)	265.00	N/A
22	(Refrigeration Units)	265.00	N/A
9,10,11	(Refrigeration Units)	221.00	N/A
19,29,21	(Refrigeration Units)	221.00	N/A
23 to 46	RAMP	154.00	24.00
47 TO 62A	North Wall - Main Floor	154.00	24.00
63 to 70	West Wall - Main Floor	154.00	24.00
71 to 95	South Wall - Main Floor & Under ramp	154.00	24.00
96 to 100	Loading Docks (from 7:30 a.m. to 4:00p.m.)	154.00	24.00
101 to 111	East Wall - Main Floor	154.00	24.00
112 to 143	Stands In Middle from East to West (North Side)	154.00	24.00
144 to 175	Stands in Middle from West to East (South Side)	154.00	24.00
30a, 35a, 37a, 46a		85.00	11.50
70a, 72a		65.00	11.50
92		217.00	24.00
176	Coffee Shop	308.00	N/A

SCHEDULE 1

TO

By-law No. 87-180

PART 2: DEALERS' FEES PAYABLE IN ADDITION TO FEES PAYABLE UNDER PART 1

Stand No.'s

Dealers' Fees
Per Annum

1 to 76

\$ 89.00

PART 3: PRODUCERS' AND DEALERS' FEES FOR ADJACENT STANDS

Fee for one stand when available, immediately adjacent to a stand for which an annual fee is paid in advance\$ 7.00 per day

PART 4: FRIDAY MARKET FEES

8 FT. Refrigeration Unit	\$17.00 per day
12 FT. Refrigeration Unit	\$21.00 per day
Regular Stands	\$12.00 per day
Each Additional Stand	\$ 7.00 per day
Coffee Shop	\$23.00 per day
Daily Users' Fees	\$21.00 per day

CA4 ON HBL AOS
M21 1990

MEETING OF HAMILTON CITY COUNCIL

Monday, November 19, 1990

9:00 o'clock a.m.

Council Chamber

The Council met.

PRESENT: Robert M. Morrow, Mayor
Aldermen T. Cooke, M. Kiss, W. McCulloch, D. Drury, G. Copps,
D. Wilson, D. Agostino, T. Jackson, V. Formosi, J. Gallagher,
T. Murray

ABSENT: Alderman V. Agro - civic business
Alderman B. Hinkley - vacation
Alderman F. Lombardo - civic business
Alderman D. Ross - civic business

His Worship Mayor Robert M. Morrow called the meeting to order.

Prior to the commencement of this meeting, Mr. K. E. Avery, City Clerk certified that at the by-election held on Monday, November 12, 1990, the following were duly elected:

Ward 4 - Mr. Dave Wilson
Ward 6 - Mr. Vince Formosi

Alderman Elect D. Wilson and Alderman Elect V. Formosi subscribed to the Oath of Allegiance and Declaration of Office administered by His Worship Mayor Morrow and took their respective seats in the Council Chambers.

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the Report of the Nominating Committee.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Drury, Copps,
Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 13.

NAYS: 0. -

CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the Report of the Nominating Committee, be adopted.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 13.

NAYS: 0. -

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Bill J-1 be now read a first time

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 13.

NAYS: 0. -

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider Bill J-1. (second reading)

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 13.

NAYS: 0. -

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole (second reading) on Bill J-1, be adopted. -

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 13.

NAYS: 0. -

CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Bill J-1, be now read a third time, signed, sealed and enrolled as a By-law:

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 13.

NAYS: 0. -

CARRIED.

City Council then adjourned at 9:20 o'clock a.m.

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FIFTH** Report for 1990 and respectfully recommends:

1. Approval of the following appointments.

(A) **PLANNING AND DEVELOPMENT COMMITTEE** **TERM OF OFFICE**

Alderman D. Wilson (replacing former
Alderman D. Christopherson)
Alderman V. Formosi (replacing former
Alderman J. Smith)

November 30, 1991

(B) **TRANSPORT AND ENVIRONMENT COMMITTEE**

Alderman D. Wilson (replacing former
Alderman D. Christopherson)
Alderman V. Formosi (replacing former
Alderman J. Smith)

November 30, 1991

(C) **HAMILTON SCOURGE PROJECT**

Alderman V. Formosi (replacing former
Alderman J. Smith)

November 30, 1991

(D) **PUBLIC LIBRARY BOARD**

Alderman W. McCulloch (replacing former
Alderman J. Smith)
Alderman D. Wilson (replacing former
Alderman D. Christopherson)

November 30, 1991

(E) **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMM.**

Alderman V. Formosi (replacing former
Alderman J. Smith)

November 30, 1991

(F) HAMILTON HOUSING COMPANY LIMITED

Alderman V. Formosi (replacing former
Alderman J. Smith)

November 30, 1991

(G) OTTAWA STREET BUSINESS IMPROVEMENT AREA

Alderman D. Wilson (replacing former
Alderman D. Christopherson)

November 30, 1991

(H) ART GALLERY BOARD OF DIRECTORS

Alderman V. Formosi (replacing former
Alderman J. Smith)

November 30, 1991

(I) SYMPHONY HAMILTON

Alderman V. Formosi (replacing former
Alderman J. Smith)

November 30, 1991

(J) UNITED WAY BOARD OF DIRECTORS

Alderman D. Wilson (replacing former
Alderman D. Christopherson)

November 30, 1991

Respectfully Submitted.

Mayor R. M. Morrow

1990 November 19

CA4 ON HBL A05

M21

1990

MEETING OF HAMILTON CITY COUNCIL

Wednesday, November 21, 1990

4:00 o'clock p.m.

Council Chamber

The Council met.

PRESENT: Robert M. Morrow, Mayor
Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, D. Drury,
G. Copps, D. Wilson, D. Agostino, T. Jackson, V. Formosi,
H. Merling, J. Gallagher, T. Murray

ABSENT: Alderman B. Hinkley - vacation
Alderman F. Lombardo - absent
Alderman D. Ross - civic business

His Worship Mayor Robert M. Morrow called the meeting to order.

It was moved by Alderman Cooke and seconded by Alderman McCulloch

RESOLVED: That Rule No. 5 of the Procedural By-law No. 82-208 be suspended for
this meeting of City Council.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps,
Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 14.

NAYS: 0. -

CARRIED.

NOTE: This meeting of City Council was called for 4:00 o'clock p.m. and inasmuch it
did not convene until 6:40 o'clock p.m., it was necessary to suspend Rule No. 5 of the
Procedural By-law, requiring meetings to convene within thirty minutes of the time
called for the meeting.

It was moved by Alderman Gallagher and seconded by Alderman Murray

RESOLVED: That Rule No. 8 of the Procedural By-law 82-208 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the leasing and financing of improvements to Copps Coliseum.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 14.

NAYS: 0. -

CARRIED.

* * * * *

It was moved by Alderman Gallagher and seconded by Alderman Murray

RESOLVED:

1. That the Council of the Corporation of the City of Hamilton endorse Hamilton Entertainment and Convention Facilities Inc. entering into a Licencing and Leasing Agreement with Tim Donut Ltd., In Trust, for use of Copps Coliseum, subject to the terms and conditions setforth in Schedule "A".
2. That the construction of the additional private boxes for Copps Coliseum referred to under heading Capital Improvements on page 3 of Schedule "A" in the amount of \$5.9 million as provided for in the 1991 portion of the 1990 - 1994 Capital Budget Programme approved by City Council on March 16, 1990 be proceeded with and financed from the Reserve for Capital Projects.
3. That the City Treasurer be authorzied to arrange financing, if required, for the improvements referred to under heading Capital Improvements on page 3 of Schedule "A", subject to the City of Hamilton recovering all costs associated thereto, including principal and interest.
4. That leave be granted to introduce the following Bill:

Bill H-114

A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Drury, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 12.

NAYS: Aldermen Kiss, Copps. 2. -

CARRIED.

SCHEDULE 'A'

**TERMS AND CONDITIONS FOR N.H.L. LICENCING AND LEASING AGREEMENT
OF COPPS COLISEUM**

This proposal is for N.H.L. hockey games.

LICENCE FEE

- \$750,000. per annum for first five (5) years
- 5% of gross ticket revenue years six (6) to twenty (20)
- post N.H.L. playoff and exhibition games with non-N.H.L. teams are 5% of gross ticket revenue
- twenty (20) year agreement with two (2) ten (10) year options at rates to be negotiated
- to include all event charges; maintenance; practice time; cleaning; home team dressing room (year round); use of visiting team dressing room (hockey days only); utilities; property/business/taxes for office space to be responsibility of the team

CORPORATE PRIVATE BOXES

- years one (1) through five (5) - 10% of gross licence fee (box rental) at stand alone market value
- years six (6) through twenty (20) - 15% of gross licence fee (box rental) at stand alone market value
- year 'round operation by team effective September 1, 1992
- team owners and their licencees to be responsible for all improvements and all costs of operation, excluding utilities.

CONCESSIONS (Including Beer Outlets)

- team to have control of and be responsible for all improvements and costs of operation excluding utilities.
- **HOCKEY (N.H.L.) GAMES**
- team to receive 100% of gross revenue
- **OTHER EVENTS**
- Years one (1) through fifteen (15), 20% of gross revenue to Copps Coliseum
- Years sixteen (16) through twenty (20), 22% of gross revenue to Copps Coliseum

LICENCING AND MERCHANDISING

- HOCKEY (N.H.L.) GAMES
- Team to receive 100% of gross revenue
- OTHER EVENTS
- Copps Coliseum to retain control. Any percentage of gross revenue received by Copps Coliseum in excess of 15% shall be shared 50/50.
- The parties shall mutually consent on the placement of the merchandising stands.

CLUB LOUNGE

(To Exclude Beer Outlets i.e. Beer Gardens and
To Include Upstairs Lounge, Restaurants and Directors' Suite)

- team to have control and be responsible for improvements and costs of operations excluding utilities
- HOCKEY (N.H.L.) GAMES
- team to receive 100% of gross revenue
- OTHER EVENTS
- Copps Coliseum receives 9% of gross revenue

SCOREBOARD/CLOCK

- team to retain 85% of advertising revenue
- Copps Coliseum to receive 15% of gross advertising revenue based on stand alone value of such advertising
- all costs of operation to Copps Coliseum
- reasonable allocation of time for upcoming H.E.C.F.I. events at no charge
- advertising to be acceptable to H.E.C.F.I. (community standards)

N.H.L. Lease/Licence Agreement :
Tim Donut Ltd., In Trust / H.E.C.F.I.

Page 3

ADVERTISING

- Rinkside Dasherboards - 100% of gross revenue to be received by team during N.H.L. hockey games only
- For other events, if rink dasher boards are sold by Copps Coliseum then that revenue is to be shared equally
- Exit Signage in rink bowl - 100% of gross revenue to be received by team
- Scoreboard/Clock - 15% of gross revenue to be received by Copps Coliseum for maintenance purposes
- Zamboni - 100% of gross revenue to be received by team
- Display Advertising Product (concession stands) 100% gross revenue to team

Outside entrances and exits to Copps Coliseum and outdoor signs and balcony fascia on and around Copps Coliseum to be retained by owners for annual rights fee equal to:

- \$175,000. per annum for the first five (5) years
- \$200,000. per annum for the second five (5) years
- \$250,000. per annum for the third five (5) years
- fees for fourth five (5) years to be negotiated at prevailing market rates for similar facilities and tenants

BROADCAST RIGHTS

- 100% control and ownership and revenue by team

CAPITAL IMPROVEMENTS

Copps Coliseum to provide:

- construction of corporate private boxes roughed-in including utilities
- leasehold improvements to club lounge*
- leasehold improvements to N.H.L. offices but not for retail portion of such space*
- leasehold improvements to home team dressing room*
- leasehold improvements to restaurant, kitchen and concession facilities except street level retail space*
- leasehold improvements to medical room including provision of all medical equipment as per N.H.L. guidelines*

N.H.L. Lease/Licence Agreement :
Tim Donut Ltd., In Trust / H.E.C.F.I.

Page 4.

Note:

provision of telephone and fax services to be the responsibility of team

- * cost of leasehold improvements by City to be amortized over length of lease at City's best interest rate and paid by team.

RETAIL OUTLETS

- N.H.L. office/retail space
- The Space may be used as administrative/retail space by the team/tenants licencees, etc. provided:
 - should the team locate their administrative offices or part thereof then "The Space" shall be reduced by the number of off-site square feet used for such administrative purposes.
- The rent for the retail portion of The Space shall be 6% of team's gross revenue from the space per annum net, net to H.E.C.F.I.
- Copps Coliseum shall not lease or allow to be operated any food/restaurant or sports retail business in Copps Coliseum except for the W.B.L. which shall be allowed to operate an outlet selling only retail basketball merchandise.

PARKING

- Hockey club to receive revenue from 2,000 spaces at \$5.00 per space, per game, increasing only with Parking Authority rates.

MISCELLANEOUS

- All references herein to gross revenue shall mean "gross proceeds excluding applicable taxes, ticket surcharge.
- It is understood and agreed between Copps Coliseum and the team that the terms and conditions of the proposal are in summary form only and that the terms and conditions are subject to executing a mutually acceptable form of licence\lease agreement.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman McCulloch

RESOLVED: That Bill H-114 be now read a first time

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 12.

NAYS: Aldermen Kiss, Copps 2. -

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman McCulloch that Council move into Committee of the Whole to consider Bill H-114. (second reading)

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 14.

NAYS: 0. -

CARRIED.

* * * * *

Consideration of the Bills (second reading).

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Drury, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 12.

NAYS: Aldermen Kiss, Copps. 2. -

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman McCulloch

RESOLVED: That the Report of the Committee of the Whole (second reading) on Bill H-114, be adopted. -

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Drury, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 12.

NAYS: Aldermen Kiss, Copps. 2. -

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman McCulloch

RESOLVED: That the Bill H-114, be now read a third time, signed, sealed and enrolled as a By-law:

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Drury, Wilson, Agostino, Jackson, Formosi, Merling, Gallagher, Murray. - 12.

NAYS: Aldermen Kiss, Copps. 2. -

CARRIED.

* * * * *

City Council then adjourned at 6:50 o'clock p.m.

URBAN/MUNICIPAL

CA40N HBL A05
M21 1990

JG OF HAMILTON CITY COUNCIL

Tuesday, November 27, 1990

7:30 o'clock p.m.

Council Chamber

The Council met.

PRESENT: Robert M. Morrow, Mayor
Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley,
D. Drury, G. Copps, D. Wilson, D. Agostino, T. Jackson,
V. Formosi, H. Merling, T. Murray, D. Ross.

ABSENT: Alderman F. Lombardo - absent
Alderman J. Gallagher - civic business

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

Reverend Aleksandar Mustenikov, Macedonian Orthodox Church, led the Council in prayer.

* * * * *

The following presentation was made:

City of Hamilton Re: Tim Horton's International Hockey Tournament

* * * * *

His Worship Mayor Robert M. Morrow read the following Proclamations:

"Commonwealth of Dominica Day" November 16th, 1990

"Human Rights Day" December 10th, 1990

"Human Right Week" December 10th to 16th, 1990

* * * * *

The Minutes of the meeting of November 13, 1990 and the special meetings of November 19, 1990 and November 21, 1990 were taken as read and approved.

* * * * *

The following correspondence was received:

1. Letter dated 1990 November 23 from Eric Grove, Consultant opposing the proposed change in zoning referred to in Section 14 of the Twenty First Report of the Planning and Development Committee of property located on the west side of Rice Avenue, south of Chedmac Drive, Hamilton, Ontario.

Received.

2. Petition signed by residents opposed to the change in zoning of property located at 690 Main Street West, as approved by City Council at its meeting on November 13, 1990. This petition was received by the City Clerk on Monday, November 12, 1990.

Received.

3. Application dated 1990 November 13 from the Rector and Church Wardens of Christ's Church Cathedral, 252 James Street North, Hamilton, Ontario for a modification to the "D" (Urban Protected Residential - One and Two Family, Townhouses, etc.) District and to the "H" (Community Shopping and Commercial, etc.) District for property at 252 James Street North, Hamilton, Ontario.

Received.

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Information Systems Committee, the Finance and Administration Committee, the Nominating Committee and the Report of His Worship Mayor Morrow, with Alderman McCulloch in the chair.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Merling, Murray, Ross. -15.

NAYS: 0 -

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - SIXTEENTH REPORT.

Section 8 Re: Promotional Banner across Main Street
National Dental Hygiene Week

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury,
Wilson, Agostino, Jackson, Formosi, Merling, Murray, Ross. -14.

NAYS: Alderman Copps. 1 -

CARRIED.

* * * * *

PARKS AND RECREATION COMMITTEE - TWENTY-FIRST REPORT

* * * * *

PLANNING AND DEVELOPMENT COMMITTEE - TWENTY-FIRST REPORT

* * * * *

INFORMATION SYSTEMS REPORT - SEVENTH REPORT

* * * * *

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-SIXTH REPORT

Section 11 Re: Grant - President's Dinner and Citation Awards
Canadian Country Music Week Convention

It was moved by Alderman Murray and seconded by Alderman Ross

Resolved: That Section 11 of the 26th Report of the Finance and Administration
Committee be referred back.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, McCulloch, Drury,
Wilson, Formosi, Merling, Murray, Ross. -9.

NAYS: Aldermen Kiss, Agro, Hinkley, Copps, Agostino, Jackson. 6. **CARRIED.**

* * * * *

NOMINATING COMMITTEE - SIXTH REPORT

* * * * *

THE REPORT OF HIS WORSHIP MAYOR MORROW - FOURTH REPORT

Section 1 Re: Establishing a Committee to investigate bringing Grey Cup Festivities and Game to Hamilton.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Hinkley, Wilson, Agostino, Jackson, Formosi. -9.

NAYS: Alderman Copps. 1 CARRIED.

* * * * *

Section 2 Re: Advocating a lottery as a fund-raising vehicle for the Hamilton Tiger Cat Football Club.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Hinkley, Wilson, Agostino, Jackson, Formosi. -9.

NAYS: Alderman Copps. 1 CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Alderman Brian Hinkley be appointed the Acting Mayor for the month of December, 1990.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Information Systems Committee, the Finance and Administration Committee, the Nominating Committee and the Report of His Worship Mayor Morrow, and resolutions, be adopted.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Murray. -13.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills be now read a first time:

A-139, A-140, A-141, A-142, A-143, A-144, A-145.

C-161, C-162, C-163, C-164, C-165, C-166, C-167, C-168, C-169.

H-115, H-116.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Murray. -13.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman McCulloch in the chair. (second reading)

A-139, A-140, A-141, A-142, A-143, A-144, A-145.

C-161, C-162, C-163, C-164, C-165, C-166, C-167, C-168, C-169.

H-115, H-116.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Murray. -13.

NAYS: 0 -

CARRIED.

Consideration of the Bills (second reading).

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole (second reading) on the following Bills, be adopted. -

A-139, A-140, A-141, A-142, A-143, A-144, A-145.

C-161, C-162, C-163, C-164, C-165, C-166, C-167, C-168, C-169.

H-115, H-116.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Murray. -13.

NAYS: 0 -

CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills, be now read a third time, signed, sealed and enrolled as By-laws

A-139, A-140, A-141, A-142, A-143, A-144, A-145.

C-161, C-162, C-163, C-164, C-165, C-166, C-167, C-168, C-169.

H-115, H-116.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Jackson, Formosi, Murray. -13.

NAYS: 0 - CARRIED.

* * * * *

City Council then adjourned at 9:15 o'clock p.m.

11/27/90

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **SIXTEENTH** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Cardeen Construction Limited, Stoney Creek, to provide labour and equipment for snow removal during the 1990-1991 winter season, in accordance with Vendor's quotation, and that this expenditure be finance from various accounts, as follows:

One Rubber Tire Backhoe/Loader	\$ 88 per hour
One Cat Bulldozer	\$120 per hour

Plus applicable taxes

2. That a purchase order be issued to Northland Bitulithic Limited, Downsview, in the amount of \$35 680, being in only quotation received, for concrete crushing at the Brampton Street Yard for the Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from General Roadway Maintenance Account No. 56398 60168.

NOTE: As the stockpiled concrete must be eliminated to allow for snow dump, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

3. (a) That the Director of Property be authorized to negotiate with the following owners for acquisition of a portion of their lands required for the extension of Berkindale Avenue in order to implement the approved Riverdale East Neighbourhood Plan. The necessary expenditures are to be charged to Account No. CH5X303 00107 (Reserve for City's Share of Services through Unsubdivided Lands).

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Michel Alcid Garon - Part of 891 Queenston Road, Stoney Creek
Debra Ann Garon (which part is in the City of Hamilton)

- (b) That in the event the Director of Property is unsuccessful in negotiating the purchase of the required lands on or before February 28, 1991, the City Solicitor be authorized and directed to initiate expropriation proceedings, and, the Director of Property be authorized to retain an independent fee appraiser to prepare and appraisal of market value. The costs are to be charged to Account No. CH5X303 00107 (Reserve for City's Share of Services through Unsubdivided Lands).
- 4. (a) That the "Agreement by Owner to Accept Compensation", executed by Susan Medeiros on November 7, 1990, whereby the owner agreed to accept the amount of \$125 000 as full and final settlement of compensation for the City's expropriation of the lands known as 265 Charlotte Street, be approved and completed.
- (b) That the transaction be financed from Account No. CH5X303 00102 (Reserve for Property Purchase).
- (c) That the City Solicitor be authorized and directed to complete this transaction.
- 5. (a) That an Offer to Purchase (Easement) Agreement executed by officials of Union Gas Limited on October 2, 1990 and scheduled for closing on January 8, 1991, for the installation of an NPS 8 Pipe along the southerly limit of Stone Church Road East, east of Upper James Street (236.44 feet x 16.46 feet), be approved and completed. The purchase price of \$1 001 is to be credited as follows: \$1 to Account No. 4X999 00107 (Service through unsubdivided lands) and the remaining \$1 000 to Account No. CH59050 30001 (Outside Recoveries). The deposit cheque of \$1 is being held by the City Treasurer pending approval of this transaction.

NOTE: The property is composed of Parts 9, 10 and 11 on Plan 62R-8858. Subject parcel having a frontage of 72.074 metres (236.44), more or less, by a depth of 5.184 metres (16.46 feet), more or less.

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- (b) That the Offer to Purchase (Easement) is subject to the following:

The City reserves the right to grant further easements through Condition 14.

"It is understood and agreed that the Transferor shall reserve unto itself, its heirs, successors, and assigns the irrevocable right to grant such further and other easements as from time to time the Transferor sees fit".

6. (a) That the City of Hamilton should continue with auctioning its depreciated and obsolete vehicles and equipment because significantly more revenue is realized through the auction than through trading in the equipment, and
- (b) That the other organizations participating in the auction should share in the expenses of the auction (auction fees, advertising and operator's labour) based on their proportion of the revenue, over the total revenue from the auction.
7. (a) That Section 47 of the **THIRTEENTH** Report of the Transport and Environment Committee adopted by City Council on July 31, 1984, authorizing the City Solicitor to make application to a County Court Judge under Section 82 of the Registry Act, R.S.O. 1980 for an order closing Melissa Street from 15.24 m east of the original centreline of Upper Wellington Street to approximately 58.83 m easterly, be rescinded.
- (b) That the Commissioner of Engineering be directed to prepare a By-law for the stopping up, closing and sale of Melissa Street from 15.24 m east of the original centreline of Upper Wellington Street to approximately 58.83 m easterly.
- (c) That the Commissioner of Engineering be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1980.
- (d) That the Director of Property be directed to proceed with the disposition of the said lands.
- (e) That the Commissioner of Engineering register a reference plan under the Registry Act, to delineate the manner in which the closed road allowance is to be distributed to the abutting owner.

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- (f) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 48 of the Regional Act; and
 - (g) That the City Solicitor make application to the Ministry of Housing under Section 298 (11) of the Municipal Act for approval of the By-law.
- *8. That the Hamilton and District Dental Hygiene Association be permitted to display a promotional banner across Main Street West in front of City Hall, from Monday, October 19, 1992 to Monday, October 26, 1992, with the following message:

NATIONAL DENTAL HYGIENE WEEK

9. (a) That the authorization granted by City Council on March 27, 1990 in adopting Item #6 of the **FIFTH** Report of the Transport and Environment Committee be rescinded.
- (b) That the application of Rouben Gharabegian, owner of 438 Dundurn Street South to retain the inadvertent encroachment consisting of a balcony measuring 3.2' x 4.5', and a portion of the building measuring 0.9' x 46.8' on the road allowance of Glenside Avenue be approved provided:
- i. That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - ii. That a first year fee of \$125 and subsequent annual fee of \$20 be set for this privilege.
 - iii. That the Mayor and City Clerk, be authorized to sign and execute all necessary documents to implement this agreement.
10. That the revised Wheelchair Ramp Standard Drawing RHS 312 attached hereto as Schedule "A", be adopted as the standard wheelchair ramp design on City Projects.

**Recorded vote, see page 3337*

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11.
 - (a) That a proposed widening from 7.3 metres to 8.5 metres of Rodgers Road from King Street to Central Avenue, Balmoral Avenue from Main Street to King Street and Binkley Road from Main Street West to Sanders Boulevard be advertised under Section 301 of the Municipal Act and the necessary alteration By-law be prepared by the City Solicitor and the City Clerk;
 - (b) That the proposed 1991 Road and Sidewalk Capital Reconstruction Programme in the amount of \$9 400 000 be received;
 - (c) That the Committee request the approval of the Finance and Administration Committee to spend up to \$4 000 000 of the proposed \$9 400 000 1991 Road and Sidewalk Capital Reconstruction Programme to allow for tendering and construction to occur prior to the final budget approval;
 - (d) That the Commissioner of Engineering be authorized to undertake the works on behalf of the City of Hamilton once all necessary approvals have been received.
12.
 - (a) That the Committee request Hamilton-Hydro to relocate, at their cost, the hydro pole in front of No. 55 Algonquin Court to a point on the No. 51 Algonquin Court side six inches from the extended property line common to the two properties, and
 - (b) That the Committee approve the extension of the existing driveway at No. 55 Algonquin Court, southerly by up to 3.8 m for a total driveway width of up to 5.5 m, at the expense of the owner at No. 55 Algonquin Court.
13. That the City of Hamilton support and endorse the Region of Halton resolution regarding Gypsum Waste Recycling dated Wednesday, August 22, 1990.
14.
 - (a) That the action of the Commissioner of Engineering be confirmed in authorizing the application of the Hamilton Hydro Electric System to temporarily close, Ferguson Avenue South between King Street East and King William Street, on Saturday, November 17, 1990 from 8:00 a.m. to 4:00 p.m. in order to install a hydro duct, for the Canadian National Railway, subject to the following conditions:
 - (b) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department if deemed appropriate on the affected roadways, at the expense of the applicant;

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- (c) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City;
 - (d) That the applicant provide proof of \$1 000 000 public liability insurance, naming the City as an added insured party with a provisions for cross liability, and holding the City harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss;
 - (e) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this closure;
 - (f) That no property owner or resident within the barricaded area be denied access to their property if requested.
 - (g) That all property owners and tenants along the closed portion of the road be notified of the proposal by the applicant at least one week prior to the event in a form acceptable to the Commissioner of Engineering.
15. (a) That an additional amount of \$25 000 be provided in the 1990 Current Budget, Railway Crossing General Maintenance Account No. CH57408 52010.
- (b) That this amount be transferred from the Railway Crossing Specific Maintenance Account No. CH57409 51010.
- (c) That the Acting Commissioner of Engineering be authorized to issue the necessary purchase order on behalf of the City of Hamilton to CP Rail.
16. (a) That the following City lands be incorporated into the various Streets:
- | | |
|------------------|-----------------------------|
| Rexford Drive | Block 56, Plan 62M-384 |
| Rexford Drive | Parts 4 & 6, Plan 62R-10808 |
| Atherley Drive | Part 2, Plan 62R-10808 |
| Bow Valley Drive | Block 52, Plan 62M-357 |
| Limeridge Road | Part 3, Plan 62R-8668 |
- (b) That the By-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by Council.

11/27/90

- (c) That the Commissioner of Engineering be authorized and directed to register the by-laws.
-
- 17. That the construction of a 13 foot driveway approach located at 97 and 101 Pearl Street North to accommodate residential parking on site for 97 Pearl Street North be approved, subject to the registration of an agreement which is in a form satisfactory to the City Solicitor.
 - 18. That a School Crossing Guard not be assigned to the intersection of Main Street East and London Street.
 - 19. That the existing supervised school crosswalk on Britannia Avenue, west of Barons Avenue, be relocated approximately 50 feet easterly to the west crosswalk of the intersection of Barons Avenue and Britannia Avenue.
 - 20.
 - (a) That the style of special street name submitted by the Downtown B.I.A. as illustrated in the drawing appended hereto as Schedule "B", be approved and;
 - (b) That the City of Hamilton Traffic Department be authorized to install and maintain the special street name signs as provided by the B.I.A. on Mary, Catharine and Hughson from Main to King William, and on MacNab from Main to King, and on King William from James to Mary.
 - 21. That the City Traffic By-law No. 89-72 be amended to provide for the following:
 - (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on both sides of Royal Avenue between Emerson Street and Leland Avenue; and
 - (b) That parking be prohibited on the north/west side of Bay Street North between Burlington and Wood Streets; and
 - (c) That, in combination with the existing "Alternate Side Parking" regulation, a "One Hour Parking Time Limit, 24 hours a day 7 days a week" regulation be implemented on both sides of Markland Street between Bay Street South and Park Street South/Chilton Place; and

11/27/90

- (d) That the existing "Permit Parking, 24 hours a day, 7 days a week" regulation on the east side of Springer Avenue between Maplewood Avenue and Main Street East be replaced with a "Permit Parking, 24 hours a day, Monday to Saturday" regulation; and
 - (e) That one parking meter be removed and that parking be prohibited on the east side of Hess Street South from a point 81 feet south of King Street West to a point 31 feet southerly therefrom; and
 - (f) That a four-way stop control be implemented at the intersection of Brucedale Avenue and Rendell Boulevard; and
 - (g) That a four-way stop control be implemented at the intersection of Campbell Avenue and Rosslyn Avenue North; and
 - (h) That the existing left turn prohibition for southbound motorists on Glendale Avenue at Cannon Street be removed; and
 - (i) That parking be prohibited on both sides of Sanitorium Road from Scenic Drive to the West End.
22. That leave be granted to introduce the following Bills:
- (a) A-139 To Incorporate Block 56, Plan 62M-384 into Rexford Drive
 - (b) A-140 To Incorporate Parts 4 & 6, Plan 62R-10808 into Rexford Drive
 - (c) A-141 To Incorporate Part 2, Plan 62R-10808 into Atherley Drive
 - (d) A-142 To Incorporate Block 52, Plan 62M-357 into Bow Valley Drive
 - (e) A-143 To Incorporate Part 3, Plan 62R-8668 into Limeridge Road
 - (f) A-144 By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (g) A-145 By-law to Amend By-law No. 89-72 to Regulate Traffic.

RESPECTFULLY SUBMITTED,

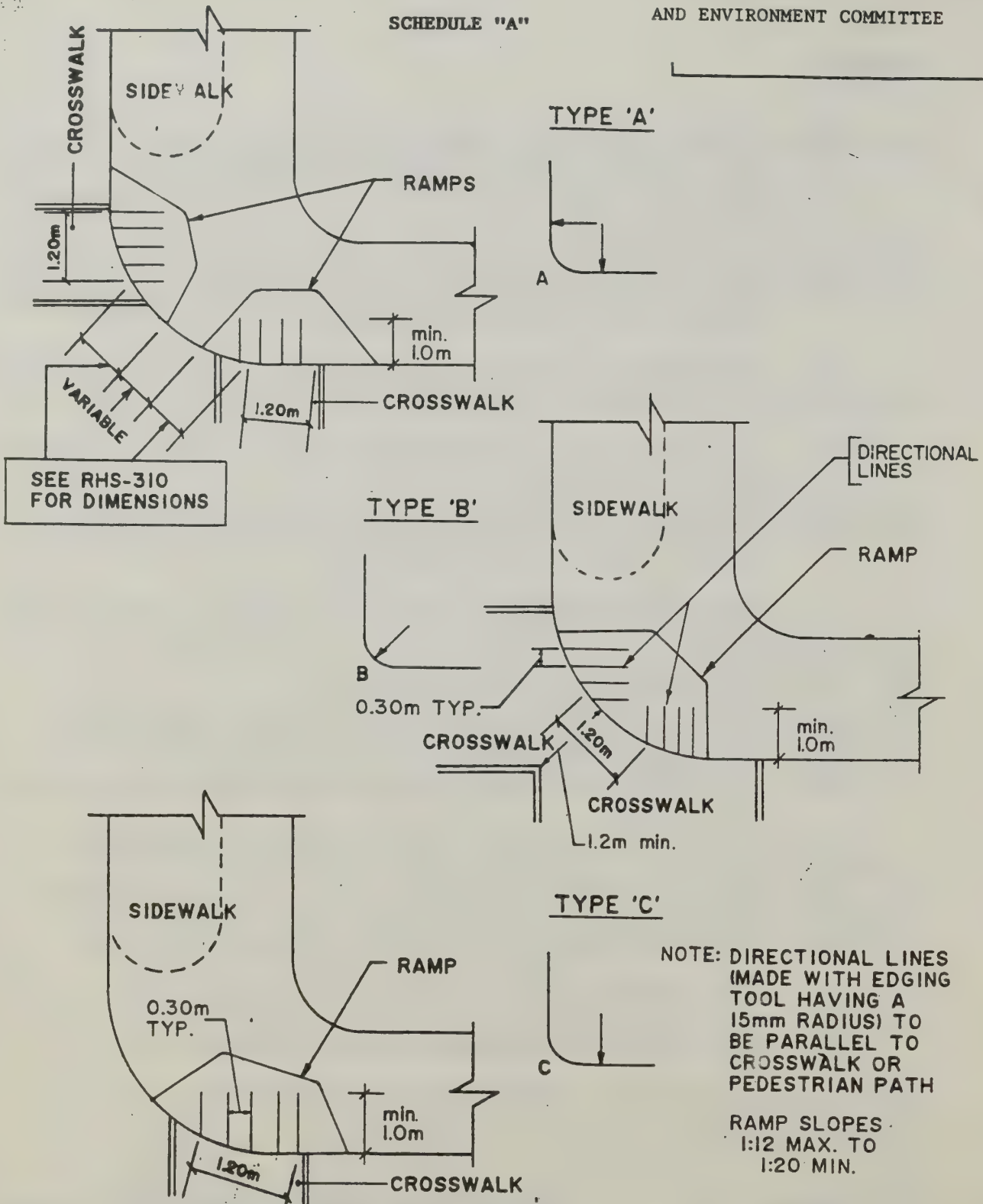
Tina Agnello,
Secretary

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

November 19, 1990

-3350-

SCHEDULE "A"



THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
DEPARTMENT OF ENGINEERING

DIRECTOR

REVISION

WHEELCHAIR RAMP LOCATIONS

DATE

APR. 2, 1990

SCALE

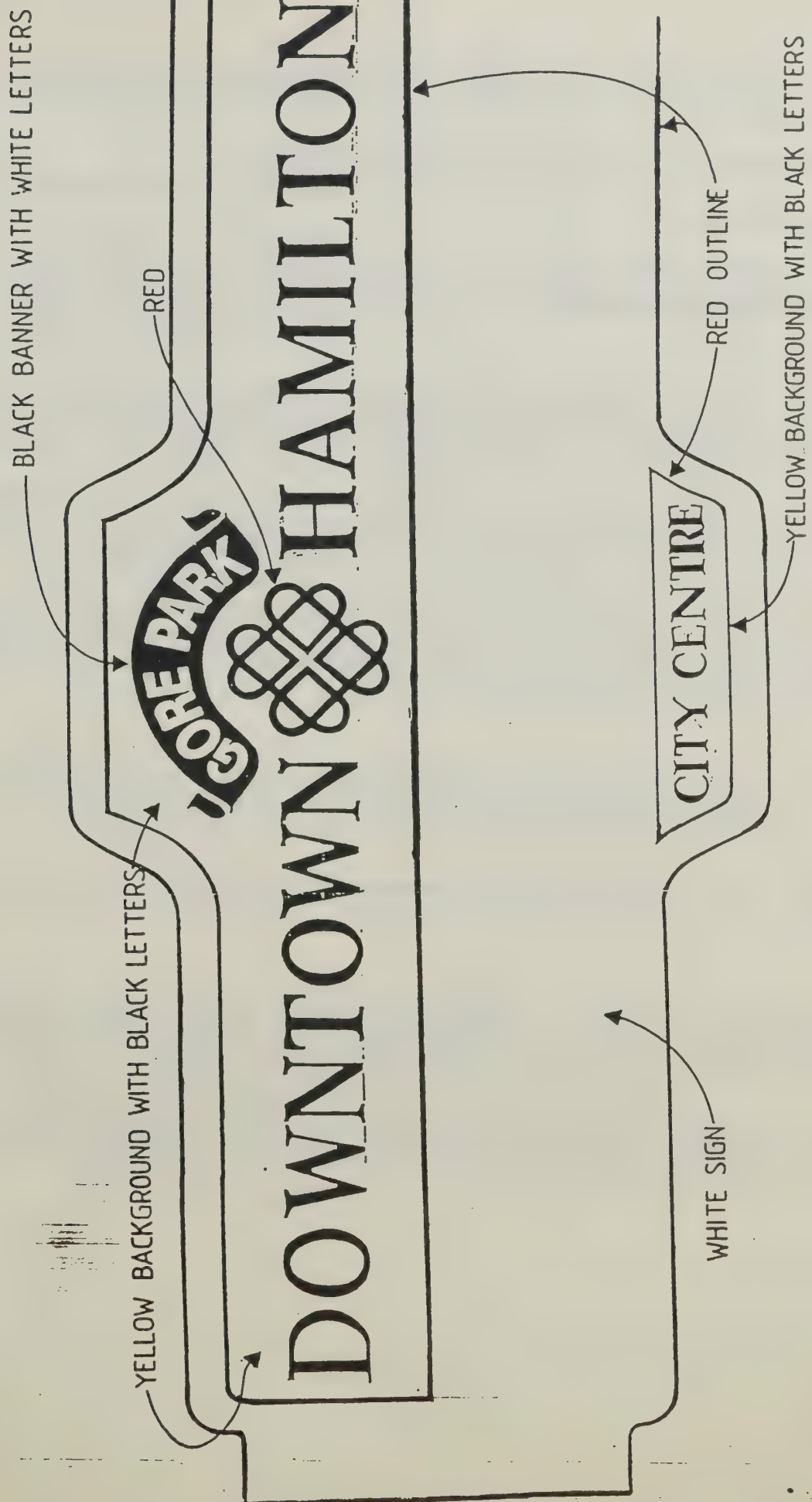
N.T.S.

APPROVED

Ted Gill

COMMISSIONER OF ENGINEERING

DRAWING NO. RHS - 312



11/27/90

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **TWENTY-FIRST** Report for 1990 and respectfully recommends:

1. (a) That an Option to Purchase the property at 16 Douglas Street, duly executed by Manuel Juliao and Fernanda Juliao on 1990 November 05 and scheduled for closing on or before 1991 January 18, be approved and completed.

NOTE: The subject property has a frontage of 5.63 metres (18.5 feet), more or less, by a depth of 16.76 metres (55 feet), more or less, together with all structures erected thereon being Municipal No. 16 Douglas Street.

- (b) That consideration in the amount of \$2 which has been paid to the owner form part of the purchase price. The purchase price of \$60 000 is to be charged to Account No. CF5590 628650010 (Land Acquisition - Keith Park).
2. (a) That a Garden Plot at Billy Sherring Park on Upper Sherman Avenue be approved for a Summer Garden Project with the Neighbour to Neighbour Centre for 1991.
- (b) That a Use Agreement be executed to the satisfaction of the City Solicitor.
3. That Section 2 of the **THIRTEENTH** Report of the Parks and Recreation Committee for 1980 - establishing guidelines for the naming of Park and Recreational Facilities be amended to include the following:

"The naming of a Park or Recreational Facility commemorating a deceased person or persons shall not be considered until two (2) years after the death of such person or persons".

11/27/90

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **TWENTY-FIRST** Report for 1990 and respectfully recommends:

1. (a) That an Option to Purchase the property at 16 Douglas Street, duly executed by Manuel Juliao and Fernanda Juliao on 1990 November 05 and scheduled for closing on or before 1991 January 18, be approved and completed.

NOTE: The subject property has a frontage of 5.63 metres (18.5 feet), more or less, by a depth of 16.76 metres (55 feet), more or less, together with all structures erected thereon being Municipal No. 16 Douglas Street.

- (b) That consideration in the amount of \$2 which has been paid to the owner form part of the purchase price. The purchase price of \$60 000 is to be charged to Account No. CF5590 628650010 (Land Acquisition - Keith Park).
2. (a) That a Garden Plot at Billy Sherring Park on Upper Sherman Avenue be approved for a Summer Garden Project with the Neighbour to Neighbour Centre for 1991.
- (b) That a Use Agreement be executed to the satisfaction of the City Solicitor.
3. That Section 2 of the **THIRTEENTH** Report of the Parks and Recreation Committee for 1980 - establishing guidelines for the naming of Park and Recreational Facilities be amended to include the following:

"The naming of a Park or Recreational Facility commemorating a deceased person or persons shall not be considered until two (2) years after the death of such person or persons".

11/27/90

4. (a) That the City of Hamilton accept the hosting of the Ontario Seniors Games in 1992.
- (b) That the Director of Culture and Recreation be given the approval to recommend the Games Organizing Committee.

NOTE: The City will be required to assure funds are raised and supported for an anticipated overall budget of \$334 000. The upset limit for the municipal contribution to be \$14 000.

5. (a) That the Baseball/Softball Council be involved in the allocation of facilities for the 1991 season.
- (b) That sport fields (less amenities) be allocated to youth and community programs as the first service priority at the nominal cost of \$1 per diamond, per date, to permitted users up to a maximum of \$50 per diamond per season.
- (c) That sport fields (less amenities) be allocated to city-wide adult leagues at the cost of \$5 per diamond, per date, to permitted users up to a maximum of \$350 per diamond, per season.
- (d) That regular diamond users be credited 2 weeks of their regular season gratis in lieu of regular season dates payed for, but cancelled due to inclement weather i.e., rainouts.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 November 20

11/27/90

4. (a) That the City of Hamilton accept the hosting of the Ontario Seniors Games in 1992.
- (b) That the Director of Culture and Recreation be given the approval to recommend the Games Organizing Committee.

NOTE: The City will be required to assure funds are raised and supported for an anticipated overall budget of \$334 000. The upset limit for the municipal contribution to be \$14 000.

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- (d) That regular diamond users be credited 2 weeks of their regular season gratis in lieu of regular season dates payed for, but cancelled due to inclement weather i.e., rainouts.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 November 20

11\27\90

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-FIRST** Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 99 Arbour Road.
- (b) 53 Lake Avenue North.

2. That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90006, Arm-Orn Properties Ltd., owner, to establish a draft plan of condominium located at the south side of Harlowe Road and west of Pritchard Road, subject to the following condition:

That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 July 5, showing 14 industrial units.

3. (a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from part of Holland Avenue and Parcel "B", Registered Plan No. 909.
- (b) That the Regional Municipality of Hamilton-Wentworth be requested to approve the by-law removing part-lot control from part of Holland Avenue and Parcel "B", Registered Plan No. 909.

NOTE: These lands are located south of Stone Church Road East and west of Beaverton Drive in the Butler Neighbourhood.

4. (a) That the City Solicitor be directed to remove a by-law to remove part-lot control from Lots 1 to 32 inclusive of Registered Plan 62M-661.
- (b) That the Regional Municipality of Hamilton-Wentworth be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 32 inclusive of Registered Plan 62M-661.

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NOTE: These lands are located south of Stone Church Road East and west of Acadia Drive in the Butler Neighbourhood. The lands are part of Aquino Gardens, a Plan of Subdivision.

5. That, Change Orders Three and Four in the amount of \$11,117.06 for additional work at Belview Park in the Crown Point West/Stipeley Neighbourhood be approved and charged to the Crown Point West/Stipeley Phase II (P.R.I.D.E.) Programme Account No. CF 5200 428702005.

NOTE: Change Orders Three and Four are required to provide additional fencing at railway lands near Belview Park and winterizing of the spray pool area at Lucy Day Park.

6. That the City Solicitor be authorized and directed to prepare a By-law to give immediate effect to Orders issued pursuant to By-law 84-35, by authorizing the Building Commissioner to expend monies to a maximum of \$2,000. Furthermore, such money is to be recovered by adding the sum to the tax roll to be collected in a like manner as municipal taxes.

NOTE: City of Hamilton By-law 84-35 authorizes the Building Commissioner to clean up property where the owner is in default of the by-law.

7. (a) That an Option to Purchase the property at 219 Brant Street, duly executed by the Hamilton East Kiwanis Non Profit Homes Inc. for the Alpha West Residential Enclave Clearance Programme on 1990 November 9, and scheduled to close on or before 1991 February 4, be completed.
 - (b) (i) This Option to Purchase, and the binding contract of purchase and sale in the event of acceptance by the City, shall be conditional until the closing date so that the Owner may obtain the consent of Canada Mortgage and Housing Corporation ("CMHC") for the sale transaction contemplated herein, and failing receipt of such consent this Option to Purchase and any subsequent contract of purchase and sale shall be null and void, and any deposit paid shall be returned to the City without interest or deduction.
 - (ii) The Owner shall be entitled to remove the Stove and Refrigerator from the premises prior to closing.
- (c) The purchase price of \$70,000. is to be charged to Account Number CF5590308750001 Land Acquisition Enclave Clearance Program. Demolition is to take place upon closing.

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NOTE: The subject property has a frontage of 9.144 metres (30 feet), more or less, by a depth of 24.384 metres (80 feet), more or less, together with all structures erected thereon being Municipal Number 219 Brant Street.

8. (a) That the renaming of Alma Avenue to Eaglewood Drive be approved;
 - (b) That the City Solicitor be directed to prepare an appropriate by-law for the approval of City Council; and,
 - (c) That this by-law be duly registered.
9. That the Terms of Reference of the Business Land Use Advisory Board, attached herewith and marked as Appendix "A", be approved.
10. (a) That approval be given to Subdivision Application 25T-90010, Starward Homes, owner, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street, subject to the following conditions:
- (i) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 March 22, revised to show 10 lots, one block (Block "11") as a public walkway and one block (Block "12") as a 0.3m reserve;
 - (ii) That the street be dedicated as a public highway and the walkway be dedicated as a public walkway to the City of Hamilton on the final plan;
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;
 - (iv) That the final plan conform with the zoning by-law approved under The Planning Act;
 - (v) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes;
 - (vi) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority;
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan;

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- (viii) That any dead-ends or open side of the road allowances created by the plan be terminated in 0.3m reserves (Block "12"), to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands;
 - (ix) That prior to the final plan, sewers and watermain have been approved for construction on "Orchard Park Estates (25T-88003) and Harbottle Court (25T-89006).
 - (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
 - (xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this proposed draft plan of subdivision 25T-90010, Starward Homes, owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
11. That approval be given to Zoning Application 90-58, Starward Homes, owner for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for land municipally known as 236 Stone Church Road West, as shown on the attached map marked as Appendix "B" on the following basis:
- (a) That the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council;
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property municipally known as 236 Stone Church Road West.

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The effect of the By-law is to permit single-family detached development on the subject lands.

12. That approval be given to amended Zoning Application 90-63, Vorelco Limited, owner, requesting changes in zoning from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc.- Holding) District (Block "1"); from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District (Block "2"); from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial) District (Block "3"); and for a modification to the "HH" (Restricted Community Shopping and Commercial) District (Block "4") to permit single-family development on Block "1" and retail commercial development on Blocks "2", "3" and "4", for property municipally known as 1209-1223 Upper James Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, to the lands described as Block "1" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending by-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law by enactment of an amending by-law once municipal sewers have been installed.

- (b) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. Holding) District;
- (c) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- (d) That the lands described as Block "3" be rezoned from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial) District;
- (e) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to Blocks "2", "3" and "4", as shown on the attached map marked as Appendix "C", be modified to include the following variances as special requirements:

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- (i) That notwithstanding Section 14A(3)(a) a minimum front yard of 24.0 m shall be provided and maintained;
- (ii) That a minimum 3.0 m wide landscaped strip, excluding any vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;
- (iii) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within a landscaped strip not less than 6.0 m wide to be provided and maintained along the southerly side lot line and the easterly rear lot line of Block "2";
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1209, and that the subject lands on Zoning District Map E-9B be notated S-1209;
- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council;
- (h) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, on the lands described as Block "1" by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Block "1" until municipal sewers are installed. Removal of the holding restriction shall be conditional upon the installation of all such municipal sewers as the City deems necessary and the passage of an amending By-law by the City Council to remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for changes in zoning for property municipally known as 1209-1223 Upper James Street.

- Block "1" - Change from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;
- Block "2" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- Block "3" - Change from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial) District;

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Block "4" - Modification to the "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit development of the subject lands for the following uses:

Block "1" - single-family dwellings;

Blocks "2"

3" and "4" - retail commercial.

In addition, the By-law provides for the following variances as special requirements:

- (a) To require a minimum 24.0 m building setback from the front lot line (Upper James Street) for Blocks "2", "3" and "4";
- (b) To require a minimum 3.0 m wide landscaped strip, excluding vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance;
- (c) To require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within a 6.0 m wide landscaped strip to be provided and maintained along the southerly side lot line and the easterly rear lot line of Block "2".

13. That approval be given to Zoning Application 90-75, A-1 Towing, lessee, requesting a modification to the established "M-15" (Prestige Industrial) District regulations, to allow, in addition to the other permitted uses, the establishment of a towing service and storage compound, for property located at 1650 Upper Ottawa Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "M-15" (Prestige Industrial) District regulations, as contained in Section 17G of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special provision:
 - (i) That notwithstanding Section 17G(1)(b), the following additional Commercial use shall be permitted:

Use Not Prohibited

S.I.C. Number

Other Motor Vehicle Services, n.e.c.

6399

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- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1210, and the subject lands on Zoning District Map E-49E be notated S-1210;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-15" (Prestige Industrial) District regulations for property located at 1650 Upper Ottawa Street.

The effect of the By-law is to allow, in addition to the other permitted uses, the establishment of a motor vehicle towing service and storage compound.

- 14. (a) That approval be given to Official Plan Amendment No. 96 to redesignate the lands located on the west side of Rice Avenue, south of Chedmac Drive from "Major Institutional" to "Residential", and the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Zoning Application 90-67, Presbyterian Residences (Hamilton) Inc., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District modified, to permit the development of a senior citizens community consisting of a six storey, 82 unit apartment building; 18, two storey stacked townhouse units; 34, one storey townhouse units; a residential care facility for 12 residents, and an amenity centre, for lands located on the west side of Rice Avenue, south of Chedmac Drive, as shown on the attached map marked as Appendix "E", on the following basis:
 - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;
 - (ii) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 10A(1) only the following uses shall be permitted:

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- (a) multiple dwellings containing not more than a total of 100 dwelling units;
 - (b) 34 townhouse dwelling units;
 - (c) a residential care facility for the accommodation of not more than 12 residents aged 60 years and older; and,
 - (d) an amenity centre having a minimum gross floor area of 1,010.0 m².
- (2.) That notwithstanding Section 10A(2), the maximum height of one of the multiple dwellings shall not exceed six storeys.
- (3.) That for the purposes of this By-law, "Amenity Centre" shall include, but not be limited to, the following:
- (a) Administrative offices;
 - (b) Chapel;
 - (c) Library;
 - (d) Activity and Exercise rooms;
 - (e) Lounges;
 - (e) Dining Room;
 - (f) Variety Store;
 - (g) Hairdresser.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1211, and that the subject lands on Zoning District Map W-37 be notated S-1211;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37 for presentation to City Council;
- (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 96 by the Regional Municipality of Hamilton-Wentworth.
- (vi) That the Mountview Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to "Low Density Apartments".
- (c) That prior to the passing of the amending By-law the applicant shall apply for and receive Site Plan approval.

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NOTE: The Corporation of the City of Hamilton has adopted Official Plan Amendment No. 96 to the Official Plan for the Hamilton Planning Area to redesignate the lands located on the west side of Rice Avenue, south of Chedmac Drive from "Major Institutional" and "Residential".

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District modified for the above noted lands.

The effect of the by-law is to permit the development of the lands for a senior citizens community consisting of:

- (a) a six storey, 82 unit apartment building;
- (b) 18, two storey stacked townhouse units;
- (c) 34, one storey townhouse units;
- (d) a residential care facility for 12 residents aged 60 years and over; and,
- (e) an amenity centre including a chapel, library, administrative offices, activity and exercise rooms, lounges, dining rooms, variety store and hairdresser.

15. That leave be granted to introduce the following Bills:

- (a) C-161 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 31, 33 and 35 Aikman Avenue.
- (b) C-162 A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of Municipal Nos. 115 and 125 Centennial Parkway North.
- (c) C-163 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1280 Rymal Road East.
- (d) C-164 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 54 Hess Street South.
- (e) C-165 A By-law to amend By-law No. 83-253 respecting repair or demolition of property.
- (f) C-166 A By-law to remove part of "Aquino Gardens" Registered Plan of Subdivision from Part-Lot Control.

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- (g) C-167 A By-law to remove "Aquino Gardens" Registered Plan of Subdivision from Part-Lot Control.
- (h) C-168 A By-law to change the name of Alma Avenue to Eaglewood Drive.
- (i) C-169 A By-law to designate land located at Municipal No. 988 Concession Street as property of Historic and Architectural Value and Interest.

Respectfully submitted,

**ALDERMAN D. DRURY, VICE-CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1990 November 21st**

APPENDIX I

**TERMS OF REFERENCE
FOR THE
BUSINESS LAND USE ADVISORY BOARD
OF THE
CITY OF HAMILTON**

PURPOSE:

To advise and make recommendations to the Planning and Development Committee of the City of Hamilton on land use planning issues which may affect the existing business community and/or the expansion thereof in the City of Hamilton with emphasis on the industrial sector.

MANDATE:

To review land use planning issues relating to business concerns, including, but not limited to:

- The Official Plan and Amendments;
- Neighbourhood Plans and Secondary plans;
- Text amendments to the Zoning By-law;
- Provincial legislation changes affecting land use planning for business; and,
- Trends in industry and commerce which should be accommodated in land use planning.

BOARD MEMBERS:

- Chairman of the Planning and Development Committee or his designate;
- A representative from the Chamber of Commerce;
- Two representatives of the business community recommended by the Chamber of Commerce;
- A representative from the Hamilton and District Labour Council;

Appendix "A" as referred to in Section 9 of the TWENTY-FIRST Report for 1990 of the Planning & Development Committee.

- A representative from the Hamilton and District Building Trades Council;
- A representative from the Ministry of the Environment; and,
- Two citizen members appointed by Council for a term of office to expire with the term of Council;

No Board member will send a substitute if he/she cannot attend a meeting.

The Hamilton-Wentworth Commissioner of Planning and Development and the Hamilton-Wentworth Director of Economic Development (or his/her designate) will attend to advise the Board; but will not be members of the Board.

Chairman and Vice-Chairman of the Board will be elected by the members and will exclude the Chairman of the Planning and Development Committee.

A staff co-ordinator for the Board will be supplied by the Planning and Development Department. Other staff may be required to attend.

QUORUM:

Will consist of a majority, more than one-half of the members in attendance (i.e., total 9 members, 5 members will make a quorum).

MEETINGS:

At the call of the Chairman or as requested by a member of the Board through the Chairman.

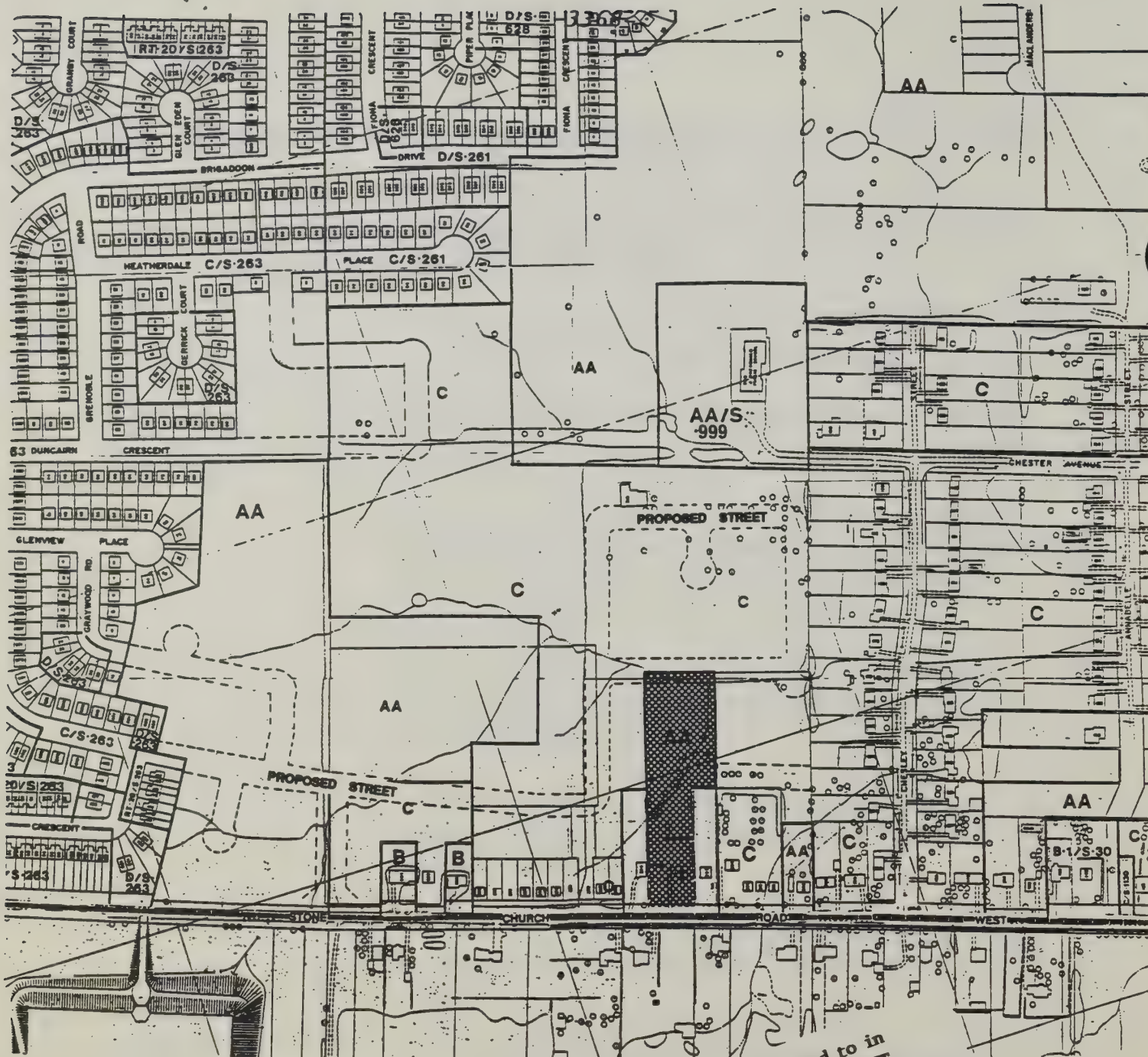
**COMMUNICATION:
(REPORTING
PROCEDURES)**

- The Planning and Development Committee may refer items to the Board.
- The Planning and Development Department will forward items listed under "Mandate" to the Board for its consideration.

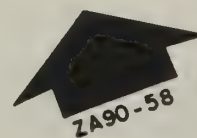
- A member may bring forward an item to be considered by the Board.
- Individual persons and/or groups may request, through the Chairman of the Board, to make a presentation.

CF/dkp

A:\BLUAB



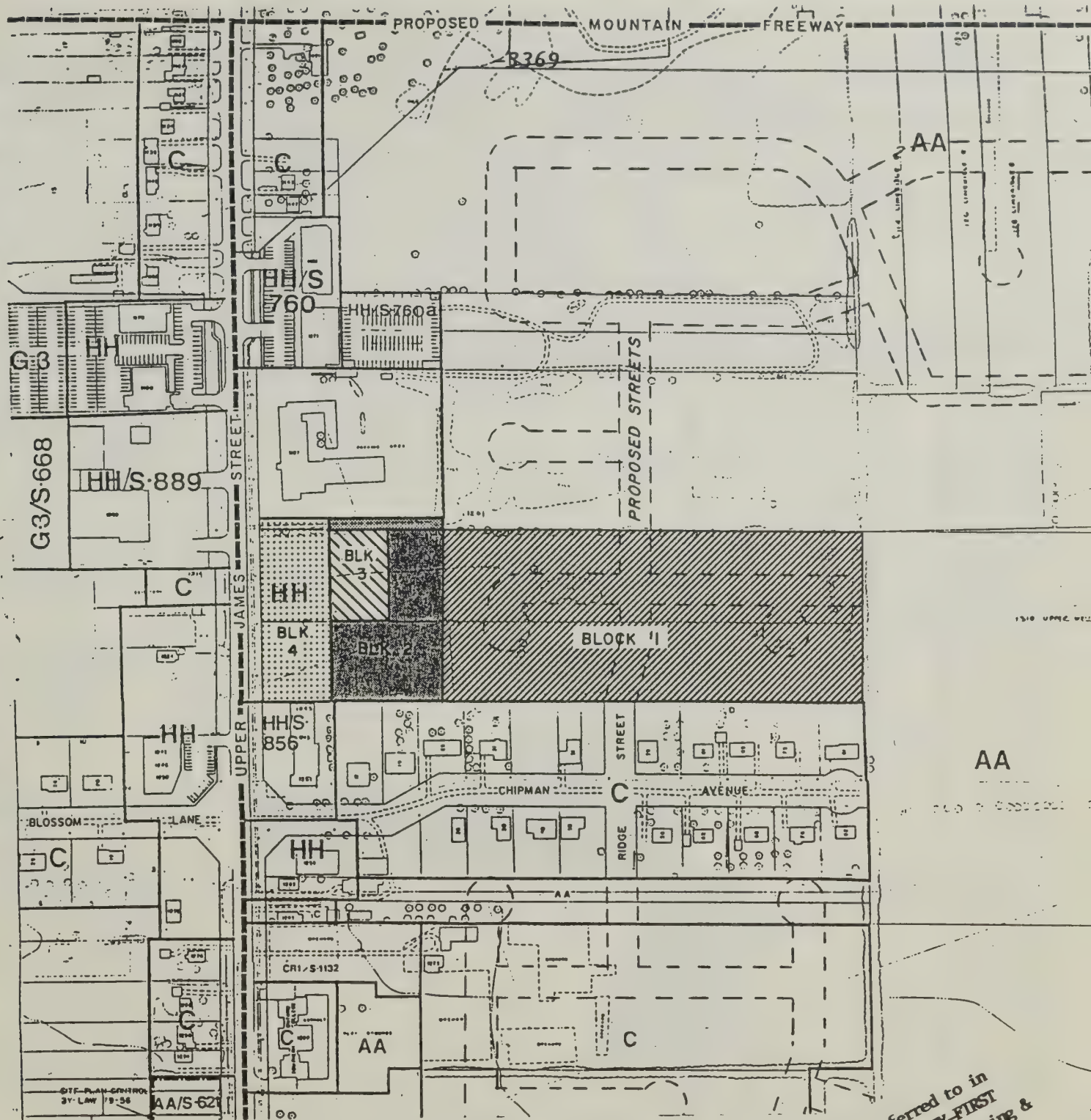
Appendix 'B' as referred to in
Section 11 of the TWENTY-FIRST
Report for 1990 of the Planning
& Development Committee.



Legend







Site of the Application



LEGEND

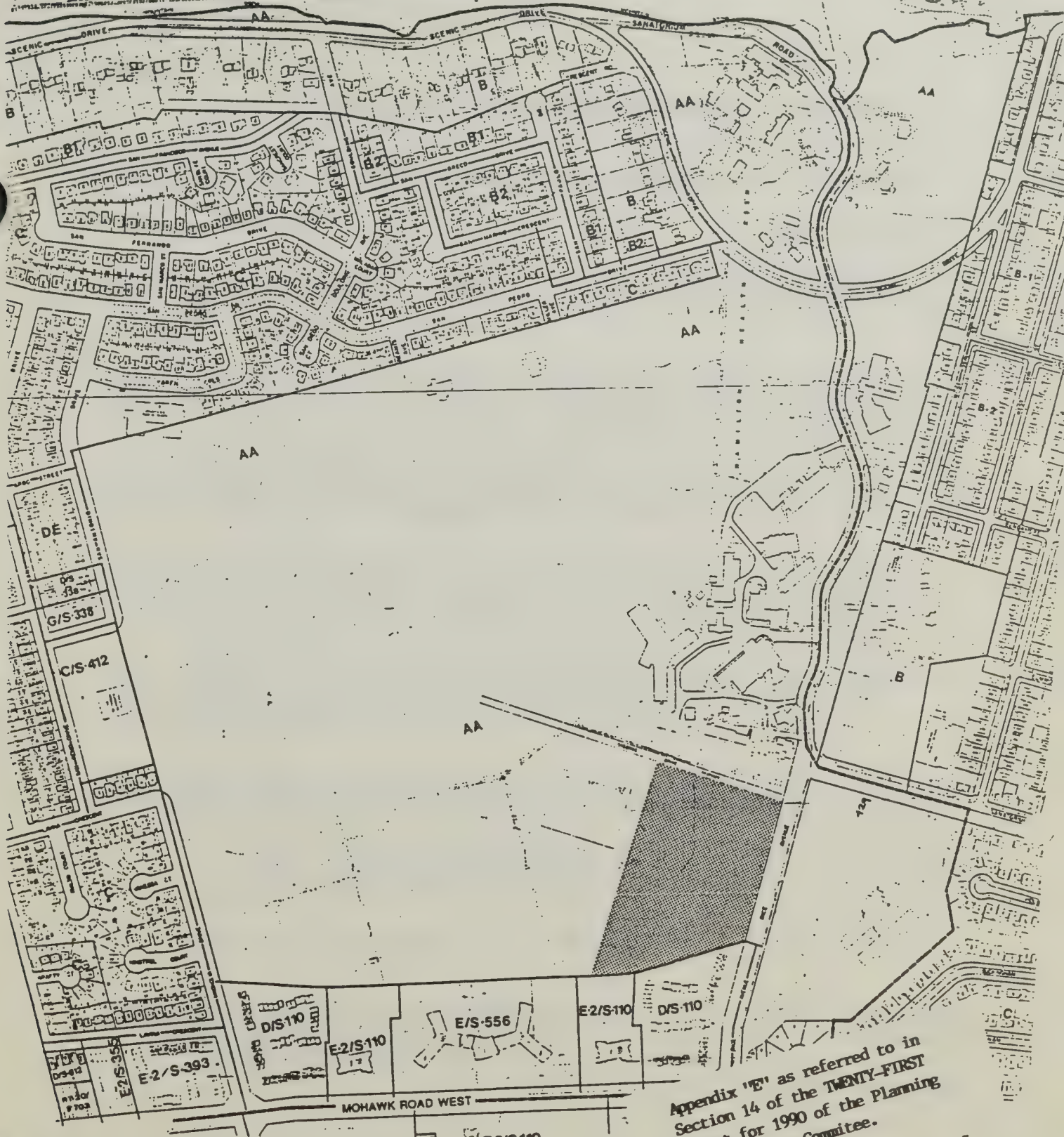
PROPOSED CHANGE IN ZONING FROM:

- BLOCK 1  "AA" (AGRICULTURAL) DISTRICT TO "C" - "H" (URBAN PROTECTED RESIDENTIAL, ETC.) HOLDING DISTRICT.
- BLOCK 2  "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT.
- BLOCK 3  "AA" (AGRICULTURAL) DISTRICT, MODIFIED TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT.
- BLOCK 4  MODIFICATION TO THE "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT.

Appendix "C" as referred to in
Section 12 of the TWENTY-FIRST
Report for 1990 of the Planning &
Development Committee.


ZA 90-63

APPENDIX B



Appendix 'E' as referred to in
Section 14 of the TWENTY-FIRST
Report for 1990 of the Planning
& Development Committee.

Legend



Site of the Application



ZA90-67

11/27/90

INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Information Systems Committee presents its **SEVENTH** Report for 1990 and respectfully recommends:

1. That the 1991 invoice for \$107 800 from Dunn and Bradstreet Software (formerly Management Science America) be authorized for payment from Account No. CH5609X-26021 (User Software).

NOTE: This invoice represents the 1991 maintenance charges for the DBS software for the Human Resources, Payroll/Personnel and Financial Systems for the Region of Hamilton-Wentworth and the City of Hamilton.

Payment by January 1991 will save at least \$8 600 as the higher 1991 rate would apply after January 1991. A further saving of \$9 310 may be realized if the GST applies and no municipal GST rebate is allowed.

2. (a) That recycled and recharged laser printer cartridges be acquired from HIGHTech Recharging of Hamilton, at the cost of \$79 per unit, as the lowest of three quotations received.
- (b) That the funding be provided from City of Hamilton Account series CH56001 and Regional Department Account series RH530XX (Office Supplies).

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

ALDERMAN J. GALLAGHER, CHAIRMAN
INFORMATION SYSTEMS COMMITTEE

1990 November 19

11/27/90

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SIXTH** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Battlefield Equipment Rentals Inc., Stoney Creek, in the amount of \$11 317.32, being the only supplier for this type of equipment to meet the City's requirements, for the purchase of one (1) Concrete Planer for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from Streets Equipment Concrete Grinder Account No. CF5000 608951002.
 2. That a purchase order be issued to Wentworth Lincoln Landscaping Ltd., Grimsby, in the amount of \$17 380.97, plus a maximum of \$5 000 contingency if rock excavation is encountered, being the lowest of nine (9) quotations received, to install sewers at Barton Community Centre, Upper James Street, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from the Major Maintenance 1987 Account CF5698 318741003.
 3. That a purchase order be issued to Price Waterhouse Management Consultants, Toronto, in the amount of \$23 800, which was the only proposal received, to conduct a comprehensive audit of the Legal Department in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission, and that this expenditure be financed from Comprehensive Audit Account No. CH 56393 24101.
- NOTE:** Services provided after 1991 January 1 will be subject to the G.S.T.
4. That permission be granted to Hamilton-Wentworth Regional Social Service staff to tour City Hall in Christmas costumes on 1990 December 6 and 7 to sell candy canes to raise funds for a local Christmas bureau or gift fund.

11/27/90

5. That permission be granted to the End the Violence Montreal Massacre Memorial Committee to use the area west of the City Hall forecourt (the location of the Memorial Garden) for a memorial gathering from 6:00 p.m. until approximately 6:30 p.m. on 1990 December 06, and, in the event of inclement weather, the City Hall first floor foyer.
6. That the contract settlement of the Hamilton Construction Association and the Labourer's International Union of North America, Local 837, Hamilton be received pursuant to the Fair Wage Policy of the City of Hamilton
7. That the Chief Administrative Officer and the Treasurer be authorized to approve current budget transfers and overdrafts for the balance of December following the 1990 December 11 City Council meeting, provided that a list of all such transactions is compiled for the approval of the appropriate Standing Committee and/or City Council in early 1991.
8. That Section 9(a) of the Twenty-Third Report of the Finance and Administration Committee adopted by City Council 1990 October 9 be rescinded and replaced with the following:

That the City Solicitor be authorized to make application for the increased City's cost by \$19 999.37 from the previous \$33 900.51 to the Ontario Municipal Board between Stone Church Road and Lunner Avenue at an estimated cost of owner's share of \$86 325.12, as well as City's share of \$53 899.88 revised from \$33 900.51, by the issuance of debentures totalling \$140 225 (revised from previous total of \$120 225.63) for a period not to exceed 20 years.
9. That Section (h) of the Comprehensive Audit Programme, adopted by City Council at the meeting held 1989 November 14 be removed and replaced with the following:
 - (h) That each Task Force (Steering Committee) be composed of up to three (3) elected representatives as well as up to two (2) citizen members, who shall not chair or vice-chair the Standing Committee responsible for the department or function being audited and three (3) appointed officials, one of whom shall be the department head responsible for the department or function being audited.

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10. (a) That the "Agreement by Owner to Accept Compensation", executed by John E. Milne on 1990 November 15, whereby the owner agreed to accept the amount of \$649 912.05 as full and final settlement of the City's expropriation of the lands known as 1688 Main Street West, be approved.
- (b) That the City Treasurer be authorized and directed to recover the full settlement amount from the Regional Municipality of Hamilton-Wentworth pursuant to the intent of the agreement between the City and Region, adopted by City Council on 1979 April 24.
- *11. (a) That a grant in the amount of \$22 500 to be used to offset expenses associated with the President's Dinner and Citation Awards to be provided during the Canadian Country Music Week Convention to be held in the City of Hamilton at the Hamilton Convention Centre 1991 September 10 - 16, be approved.
- (b) That this grant be financed from the 1991 Grant Budget Allocation.
- (c) That, as a condition of approval, the Treasurer be authorized and directed to recover the full amount of the City's contribution from the first \$22 500 profit realized from this Convention.
12. That the existing General Grant and Convention/Reception Grant Applications and Policies be revised to reflect the following changes:
 - (a) General Grants: All references within the existing policy and application are to be amended to reflect as a general rule funding to those organizations which provide a service within the jurisdiction of the City as defined within the Municipal Act and specifically reflect the following:
 - (i) Regardless of whether a grant application is old or new, all applications received by the deadline will be considered by the Grants Review Group following which their recommendations, in alphabetical order will be forwarded to the Finance and Administration Committee for approval;
 - (ii) Grant applications received after the deadline will not be considered. However, in the event a member of the Committee or City Council insists that a late application be considered, the Finance and Administration Committee will decide whether or not to consider the application by a majority vote. Late applications will only be considered after all of the applications received within the deadline have been reviewed, processed and finalized;

**Section 11 referred back
Recorded vote, see page 3337*

11/27/90

- (iii) That a letter be forwarded to all past grant recipients as well as new applicants who have requested an application form advising that they must contact the Office of the Grants Co-ordinator to arrange to obtain a copy of the grant application at which time the applicant will be informed of the deadline for submitting applications;
- (iv) Advertise the availability of the grants and the deadline which has been extended to 1991 January 31 for the 1991 grants only for receiving applications for three (3) consecutive weeks;
- (v) With respect to the Grants criteria, consideration will not be given to any function or event to which participation is limited to any exclusive segment or element of the community;
- (vi) With respect to the Grants criteria, consideration will not be given to any organization that is in receipt of an interest-free loan until the loan is totally repaid;
- (vii) With respect to the Grants criteria, consideration will not be given to any organization which requests funds to offset costs of representing the City at events outside of Hamilton;
- (viii) All requests for interest-free loans are to be considered by the Grants Review Group and that the calculated lost interest revenue is to be charged to the Grants Budget;
- (ix) That any organization which has an approved grant of \$5 000 or more must supply an audited financial statement of their prior year's operations before any grant payments are made;
- (x) That the proposed amendments to the Grant Application and Policy from the Arts Advisory Sub-Committee, attached hereto and marked Appendix "A", which was endorsed by the Parks and Recreation Committee meeting held 1990 August 21 with the exception of item (e) (the deletion of Question #7) be implemented;
- (xi) That question 16 as amended by the Arts Advisory Sub-Committee (sub-section (x) above) which addresses the issue of planned financial self-sufficiency incorporate a request for a five year financial plan;
- (xii) to allow for appeals by any organization which disagrees with the Grants Review Group recommendation that the organization does not meet the general criteria for the consideration of grants;

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- (xiii) an annual capital budget provision at a maximum amount of \$100 000 be submitted as part of the Capital Budget process for funding of Capital Grants. Capital Grants would be processed through the Grants Review Group and the Finance and Administration Committee in accordance with the Grant Policy. Any annual Capital Funds not allocated would be transferred to a reserve for Capital Grants.
- (b) Convention/Reception Grants: All references within the existing policy and application are to be amended to reflect the following:
 - (i) with respect to the Grants criteria, it should be consistent with the General Grants criteria and include those proposed amendments noted above;
 - (ii) the funding formula to calculate the grant amount is applicable to one occasion regardless of the number of events or activities that might take place within the relative timeframe.
- 13. (a) That the Treasurer be authorized to acquire the appropriate staffing (temporary) and supplies to do all those things necessary to implement the G.S.T. policies and procedures scheduled for 1991 January 1.
- (b) That a one-time provision of \$75 000 for this purpose be established and financed from the Reserve for Contingency.
- (c) That a report on the need for permanent on going additional staffing in the Accounts Payable and/or Accounting areas as a result of G.S.T. be prepared at a later date.
- 14. (a) That, in order to allow the Regional Engineering Department to proceed on the City's behalf with the 1991 Reconstruction Program on local roads, City Council approve the program, as presented to the Transport and Environment Committee 1990 November 19, in the estimated amount of \$9 400 000 with the understanding the gross cost to the City before application of the Roadway Subsidy will not exceed \$4 000 000.
- (b) That the net cost in the amount of \$2 720 000 (gross cost of \$4 000 000 less roadway subsidy \$1 280 000) be financed from the 1991 Capital Levy.

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15. That the Reserve for Emergency Snow Removal, which was set up to absorb overbudget expenditures in snow control due to unusually heavy snowfalls, be expanded to include "storm damage" in the forestry section of Public Works, and renamed "Reserve for Snow Control and Storm Damage".
16. (a) That the Treasurer be authorized to implement the following user fees for services performed by the Treasury Department, effective 1991 January 1:
- | | <u>1990</u>
<u>Fee</u> | <u>1991</u>
<u>Fee</u> |
|-------------------------------------|---------------------------|---------------------------|
| i) Tax Certificates | \$10.00 | \$15.00 |
| ii) Local Improvement Enquiries | \$20.00 | \$21.00 |
| iii) Subdivision Compliance Letters | \$20.00 | \$21.00 |
- (b) That the City Solicitor be authorized and directed to prepare a By-law to amend By-law 71-69 to provide for the increase in the fee charged for the issuance of a Treasurer's Tax Certificate to \$15.00 for presentation to City Council.
- (c) That these fees be increased annually for the rate of inflation rounded to the next dollar, to offset the City's administrative and processing costs in handling these items.
17. (a) That Licensing By-law No. 79-323, as amended, be further amended to provide for rooftop advertising on taxi cabs.
- (b) That the City Solicitor be authorized and directed to prepare a By-law to amend Licensing By-law No. 79-323 for submission to City Council to reflect this provision for rooftop advertising.
18. That the following resolution of the Town of Oakville concerning Native Rights, which was referred to the Finance and Administration Committee by City Council at its meeting held 1990 October 30, be endorsed:

"We the Members of Council for the Town of Oakville, Ontario, in the Region of Halton, urge the Federal Government to deal expeditiously, in a spirit of justice and respect for our First Nations, with ALL land claims and other matters in order to reach final honourable agreements, and that copies of the resolution be sent to the Prime Minister, the Member of Parliament for Oakville and the Minister of Indian and Northern Affairs."

11/27/90

19. That the resolution of the City of North York strongly opposing the implementation of the Goods and Services Tax at this time by the Federal Government, which was referred to the Finance and Administration Committee by City Council at its meeting held 1990 October 30 for consideration and recommendation, be received.
20. (a) That a civic reception be provided to the performers, dignitaries and special guests of the 17th Annual Hamilton International Air Show to be held at Hamilton Civic Airport 1991 June at a cost not to exceed \$9 000.
- (b) That this expenditure be financed from the 1991 budget allocation for Special Civic Receptions and Delegation Hosting.
21. That an invitation be extended to both Boards of Education and the Regional Municipality of Hamilton-Wentworth to participate in a special public meeting of the Finance and Administration Committee to be held on Saturday, 1990 December 15 at 10:00 o'clock a.m. at the Hamilton Convention Centre for the purpose of presenting an overview and forecast of the 1991 Current Budget Estimates of the City, Region and Boards of Education and receiving public input.
22. (a) That the Region/City cost-sharing recommendations of the Accessibility to Information Sub-Committee of the Regional Advisory Committee on the Physically Disabled contained in their Report dated 1990 April, attached hereto and marked Appendix "B", be endorsed.
- (b) That the following purchases be made and charged on a Region/City shared basis to the Assistive Devices Account No. 1-52901-199100 (Region) and Assistive Devices Account No. 53975-143400 (City):
- | | |
|----------------------------------|----------------|
| C.C.T.V. | \$5 000 |
| Table (Accessible, electric) | 1 500 |
| Ergonomic Chair | 500 |
| Cassette Audio Tapes (2) | 300 |
| Extended 2-year Service Contract | 195 |
| T.D.D. (for information line) | <u>710</u> |
| | <u>\$8 205</u> |
- (c) That the implementation on the use of the above-noted equipment be referred to the City Clerk and Regional Clerk.

11/27/90

- (d) That the cost of a Specialized Sound System for the Council Chambers and a portable system for Committee meetings at an estimated cost of \$8 000 (\$4 000 City/\$4 000 Region) be included as an Expansion Package in the 1991 Current Budget request.
- (e) That the cost of taping at an estimated cost of \$7 000 (\$3500 City/\$3 500 Region) be included as an Expansion Package in the 1991 Current Budget request.
- (f) That the Regional Municipality of Hamilton-Wentworth be so advised of the City's decision respecting the above-noted matters.

23. That leave be granted to introduce the following Bills:

- Bill H-115 A By-law to Amend Licensing By-law No. 79-323 As Amended by By-law Nos. 89-249 and 89-316 Respecting Illuminated Roof Sign for Taxi-Cabs.
- Bill H-116 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE, ACTING CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1990 November 22

EXHIBIT A

Changes to City's General Grant Application

THE CORPORATION OF THE CITY OF HAMILTON

GENERAL GRANT APPLICATION

Page 1
(Rev. 11/89)

Each organization applying for a grant is required to complete this form annually and forward same to Mr. D. K. Beattie, Grants Co-ordinator, Treasury Department, City Hall, 71 Main Street West, Hamilton, L8N 3T4 (telephone 546-2739), together with their supporting information indicated.

THE DEADLINE FOR SUBMISSION IS DECEMBER 31.

THE GRANTING OF ASSISTANCE IN ANY ONE YEAR OR OVER SEVERAL YEARS IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

In the event that more space is required in replying to any question, please use a supplementary sheet and attach to the application.

- * a) Page 1 fourth paragraph "In the event that more space ... attach to application" be in bold lettering.

LIAISON PERSON _____ PHONE NO. _____

B. AMOUNT OF GRANT REQUEST: \$ _____

C. PURPOSE OF GRANT: (Indicate)

_____ CONTINUING GENERAL ACTIVITIES (OPERATING)
_____ CAPITAL
_____ ONE TIME - SPECIFIC PURPOSE

D. IF OPERATING GRANT, CALCULATE THE CITY'S CONTRIBUTION AS A PERCENTAGE OF YOUR TOTAL OPERATING BUDGET:

	AMOUNT	%
- OPERATING BUDGET - NOT INCLUDING GRANT REQUEST.....\$	_____	_____
- CITY'S CONTRIBUTION (GRANT REQUEST).....\$	_____	_____
TOTAL OPERATING BUDGET	\$ _____	100%

NOTE: In most cases the approved grant may be limited to a maximum of 25% of the total operating budget after the initial grant year. The total operating budget must include any relevant charges for City property rentals and cost recovery of services.

FOR CITY USE ONLY

RECOMMENDATION

1) GRANTS REVIEW GROUP	2) FINANCE AND ADMIN- ISTRATIVE COMMITTEE	3) APPEAL	4) CITY COUNCIL
\$ _____	\$ _____	\$ _____	\$ _____
CATEGORY _____	CATEGORY _____	CATEGORY _____	CATEGORY _____
DATE _____	DATE _____	DATE _____	DATE _____

GRANT PAYMENT

- UPON CITY COUNCIL APPROVAL	\$ _____	_____ / _____ (date/cheque \$)
- OTHER DATE OR INSTALMENTS	\$ _____	_____ / _____
	\$ _____	_____ / _____
	\$ _____	_____ / _____

- * b) Add "Arts organizations' applications will be reviewed initially by the Arts Advisory Sub-Committee" at the bottom of the page.

GENERAL GRANT APPLICATION

Page 3
(Rev. 11/89)

4. Do volunteers participate in your program?

No ____ Yes ____ If yes, please indicate number and type of involvement.

- * → c) Page 3 #4 - to be reworded as follows:

"If yes, please indicate number of volunteers and number of volunteer hours of work contributed annually" and type of involvement.

6. Does your organization provide a service to:

- (a) All citizens _____
(b) A specific group _____
(c) A specific area _____

Describe briefly:

- * → d) #6 - Add in brackets beside (b) and (c) "(which group; explain in detail)" and delete the words "Describe briefly".

7. In what geographical area does your organization operate?

- * → c) Ignore #7 - deleted. → Grants Review Group recommends that Question 7 remain as part of the application.

8. For what purpose are the requested grant funds to be utilized within your organization? Be specific.

9. For what reason does your organization merit the use of public funds for the purpose indicated above?

10. a) Has the organization requested financial assistance in the last twelve months from other organizations, e.g. federal, Provincial, or Municipal Governments, Private Corporations, Foundations, etc? YES _____ NO _____

If Yes, complete the following:

<u>Date of Application</u>	<u>From Whom Requested</u>	<u>Amount Requested</u>	<u>Approved or Denied Amount</u>
----------------------------	----------------------------	-------------------------	----------------------------------

* → f) Page 4 #10 - before the Note, add the following sentence: If no, please advise why other sources of funding have not been explored".

NOTE: YOU ARE ADVISED THAT CONSIDERATION WILL NOT BE GIVEN TO AN APPLICATION FOR FINANCIAL ASSISTANCE IF A SIMILAR APPLICATION HAS ALSO BEEN SUBMITTED TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND/OR AN ORGANIZATION THAT RECEIVES A SUBSIDIZED RENTAL RATE FOR USE OF A FACILITY OR FACILITIES UNDER THE JURISDICTION OF THE HAMILTON ENTERTAINMENT AND CONVENTION FACILITIES INC.

b) Are any funds outlined above conditional upon City assistance. If yes, what are the ramifications of the City denying a Grant?

11. What other steps are being taken to increase revenues? Examples should be given such as increasing your membership or admission fees.

* → g) #11 - question listed should be part (a) and add part (b) as follows:

"(b) If your organization is experiencing a financial deficit situation, please explain and detail your plans for addressing the deficit.

12. Does this organization provide a service for which a charge is made? Some examples are admission fees, membership fees and rental charges. If answer is "yes", give details.

* → h) Page 5 #12 Add the following "If applicable, please detail your organization's admission fees, membership fees, rental charges and audience statistics".

13. Have you received funding from the City in prior years? If so, when and how much?

<u>Year</u>	<u>Requested Amount</u>	<u>Approved Amount</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

14. What are your estimated grant requests from the City of Hamilton for the next three years (exclusive of the present grant application year)?

<u>Year</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

THE GRANTING OF ASSISTANCE IN ANY ONE YEAR OR OVER SEVERAL YEARS IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

NOTE: An organization receiving a grant will NOT automatically qualify for continuing funding, and will be subject to annual evaluation.

15. What are the consequences to your organization of receiving no funding from the City of Hamilton?

16. Will your organization ever be self-supporting? If yes, when?

If no, how will your service be continued if financial assistance is terminated in the future by the City?



- i) Page 6 Delete #16 and insert the following in lieu thereof:

"What are your organization's plans for becoming more financially self-sufficient?" If you do not foresee an increase in financial self-sufficiency, what are your organization's goals for the future?"

17. Would your organization agree, subject to your availability and if requested by the City, to perform or otherwise provide your services at public functions or events, free of charge?



- j) #17 should become a requirement of the grant and not a request.

THE CORPORATION OF THE CITY OF HAMILTON

(Rev. 11/89)

GENERAL GRANT POLICY

GRANTS TO OUTSIDE ORGANIZATIONS

CONTENTS

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1. LEGISLATION	1-2
2. POLICY GOAL AND OBJECTIVES	2-3
3. GENERAL CRITERIA FOR CONSIDERATION OF GRANTS	3-4
4. PROCESSING OF GRANT APPLICATIONS	5-7

EXHIBIT B

Changes to City's General Grant Policy: Please see page 4

THE CORPORATION OF THE CITY OF HAMILTON

GENERAL GRANTS POLICY

Page 4
(Rev. 11/89)

3. GENERAL CRITERIA FOR THE CONSIDERATION OF GRANTS - continued

Consideration Will Be Given To: - continued

5. The degree to which the City will be expected to contribute to the total funding of the program.
6. Projects that are essential to the citizens of the City which cannot be financed by private business or donations.
7. The nature of each project and the relationship of the project to the responsibility of City Council.

* Page 4

Under 3 - General Criteria for the Consideration of Grants that the following be added as item 8:

"8. Individuals and/or private organizations under the auspices of an established non-profit arts organization.

3. GENERAL CRITERIA FOR THE CONSIDERATION OF GRANTS - continued

Consideration Will Be Given To: - continued

5. The degree to which the City will be expected to contribute to the total funding of the program.
6. Projects that are essential to the citizens of the City which cannot be financed by private business or donations.
7. The nature of each project and the relationship of the project to the responsibility of City Council.

Consideration Will Not Be Given to:

1. A similar application which has also been submitted to the Regional Municipality of Hamilton-Wentworth.
2. Requests for grants to an individual, or to an individual group that is controlled by a parent organization (in this case the parent organization should apply for the grant, i.e., an association as opposed to a team).

✱
Under "Consideration Will Not Be Given to", item 2 be changed to read as follows:

"2. Requests for grants to an individual, or to an individual group that is already under the control of a parent organization (in this case the parent organization should apply for the grant, i.e. an association as opposed to a team)."

DRAFT POLICIES - ACCESSIBILITY TO INFORMATION

April 1990

Prepared by: The Accessibility to Information Sub-Committee
Staff contact, Lindsey George 546-2185

Prepared for: The Regional Advisory Committee for the Physically
Disabled

BACKGROUND

The Regional Advisory Committee for the Physically Disabled became concerned about access to information services for disabled citizens during the fall of 1989, as we began to problem-solve how to provide information for a blind committee member. As a community, we have become more sensitive to the needs and rights of disabled citizens. It has become evident that ensuring access to local government for disabled citizens is a responsibility of local government which bears further development. Physically disabled citizens, while making up almost 10% of the population, are not well represented in the activities of local government. There are a number of reasons why this may be true:

- Disabled citizens are unable to take part in activities such as meetings because there are no services available to enable participation.

- Disabled citizens may not know what opportunities are available to them to participate.

- Disabled citizens may not be well informed about how local government works and, therefore, are not well prepared to take part in those activities.

Disabled citizens, as others, may of course choose not to participate in local government activities. It is the role of local government to ensure that all citizens have the same choices available to them. It is hoped that the implementation of these policies will enable greater participation, by disabled citizens, in local government.

Initiatives such as Long Term Care Reform and the changes proposed by the Report of the Provincial Municipal Social Services Review will require the direct input of consumers of services. As local governments take on greater responsibility for planning and meeting a broader range of the needs of our citizens, it becomes increasingly important for us to enable the input of as wide a range of interests as possible.

In October 1989, the Regional Advisory Committee for the Physically Disabled struck an Ad Hoc Access to Information Sub-Committee to

draft policies, procedures and a budget to facilitate access to information for blind, visually impaired, deaf and hard of hearing citizens. Although focused on a specific group of citizens, these policies actually serve the interests of a much wider group including persons with learning disabilities, those who are not literate and those whose physical disabilities make the act of reading extremely difficult. The recommendations of this report may, in fact, benefit the community as a whole by placing greater emphasis on informing the community of the activities of local government and encouraging citizen participation.

Local government has shown considerable leadership in continuing to promote accessibility for persons with mobility disabilities and in providing American Sign Language interpretation at council meetings. A continued commitment to accessibility will provide a model for the rest of the community in facilitating the integration of disabled citizens into community life.

DESCRIPTION OF THE PROBLEM

Citizens have a right to and a need for information about local government activities and the opportunity to participate in such activities of local government as they feel are of concern to them. In order to ensure that everyone has reasonable access to local government activities, it is necessary to deal with three areas:

- Provide information in a form that is easily understood and easily accessible.

- Ensure that citizens who choose to are able to participate in local government activities.

- Ensure that citizens are informed about the opportunities available to them to participate in local government activities.

The increasing emphasis on maintaining disabled and senior citizens in the community, and in particular the Provincial Long Term Care Reform, indicate a growing need to facilitate access to information and local government activities. There is likely to be an increase in the number of citizens who will remain in the community and want, and need, to advocate on their own behalf. They will require information about issues, services and resources and have the opportunity to attend public meetings about community issues such as the East-West Corridor, Sunday shopping, Bingo licensing and accessible taxi licensing.

The increasing wellness of seniors, despite vision and hearing loss, means that more seniors are becoming active in community affairs. This is also true of young disabled persons, as more and more are able to live independently in the community and are active in the voluntary sector. These community volunteers relate to local government in a number of ways and need to be informed about local government activities in order to play a role in community affairs.

Although it is difficult to assess demand, there is information available about the incidence of disabilities within the Region. It should be noted that disability rates should be used with caution. There is a tendency towards under-reporting, particularly amongst those whose vision and hearing is deteriorating over time and who do not label themselves as disabled.

Profile of Deaf, Hard of Hearing, Visually Impaired and Blind Persons - 1986

Deaf and Hard of Hearing Persons make up 10% of the population. In Hamilton-Wentworth, this means that approximately 42,000 persons are deaf or hard of hearing. Hearing loss is the largest chronic disability among seniors, with a reported 60% having a clinically significant hearing loss. There are 63,000 seniors living in the Hamilton-Wentworth Region.

Blind and Visually Impaired Persons. There are reportedly approximately 2,400 persons (between 15 and 64 years) living in Hamilton-Wentworth who have visual impairments. There are 1,272 blind persons registered with the C.N.I.B. in Hamilton-Wentworth. There are 14,780 disabled seniors living in the Region. We could expect approximately 14% (over 2,000) of these persons to experience functional limitations in their visual capacity.

*figures from the Canadian Hearing Society, the Canadian National Institute for the Blind, the Office for Disabled Persons (1989) and the Health and Activity Limitation Survey (StatsCan 1986).

To enable access for these citizens local government must find alternative ways of communicating and providing information. Other municipalities have dealt with the issues in a number of ways:

- Providing a portable audio-amplification system.
- Installation of audio-amplification systems into council chambers.
- Business cards in braille.
- Large print versions of minutes, agendas reports and publications.
- Taped versions of minutes, agendas, reports and publications.
- A coordinator of services for the disabled on staff.
- A full time ASL interpreter for deaf persons or contracting for ASL interpretation as needed.
- Tax assessments in large print.
- Telephone Devices for the Deaf (T.D.D.'s).
- Braille versions of reports, agendas and minutes.

RECOMMENDATIONS

To facilitate access to information for visually impaired persons:

1. Purchase of a CCTV with electrically adjustable table and chair. A CCTV is a viewer that magnifies copy up to 60 times and allows visually impaired persons to read materials such as invoices, brochures, reports, books, and minutes. The CCTV should be placed in a central location that will provide access for a range of citizens needs of local government.
2. Purchase of a CCTV for the Resource Centre for the Disabled at the Hamilton Public Library. This equipment is likely to be purchased this year by the library. The CCTV will facilitate viewing of council and committee packages which will be stored at the Resource Centre for the Disabled for ease of access by the public.
3. Large print versions of minutes and agenda packages be provided to the public through the Resource Centre for the Disabled at the Hamilton Public Library. These will be provided as they are available and kept for between three and six months, dependent on storage considerations. Citizen requests for information in large print, in addition to these, can be provided through the Clerk's Department (for example, reports and background information).
4. Large print versions of committee packages automatically be available for visually impaired committee members and provided through the Clerk's Department.

To facilitate access for blind, non-literate and learning disabled citizens:

5. Taped versions of minutes and agendas be available for listening at the Resource Centre for the Disabled at the Hamilton Public Library. The taping of these materials be contracted out and an evaluation of the cost effectiveness and efficiency of contracting out be undertaken during the first twelve months.
6. Taped versions of reports and attachments from committees and council be provided, on request, through the Clerk's Department. As we cannot assess the demand for this type of service, this work be contracted out and an evaluation of the cost effectiveness and efficiency of the service be undertaken during the first twelve months. The alternative may be to provide these services "in-house".
7. Taped versions of committee packages automatically be made for committee members. This work should be organized by the Clerk's

Department and contracted out and evaluated in conjunction with #5 and #6.

8. Braille versions of agendas, minutes and reports be provided on request. This work be contracted out to the Canadian National Institute for the Blind.

To facilitate access for deaf citizens:

9. American Sign Language (ASL) interpreters be provided for all public or committee meetings on request from citizens. In order to facilitate this (because of the shortage of interpreters), notice of meetings will have to be made, and requests received, three weeks in advance of the meeting.

10. American Sign Language interpreters be situated at council meetings so that the audience within council chambers, as well as the TV audience, can see the interpreters.

11. American Sign Language interpreters automatically be provided for all committees of which deaf citizens are members and this be arranged through the Clerk's Department by the committee secretary. The Canadian Hearing Society provides a booking service.

12. Local government assess, over a twelve month period, the demand for ASL services to consider the cost effectiveness of having an interpreter on staff. The cost may be shared between participating municipalities and the Region.

13. Local government provide T.D.D. services and the number be publicized on letterhead, information directories and the telephone directory and the number be placed on local government ads. As no record has been kept regarding the demand for T.D.D. access, the committee has recommended purchasing one new machine during 1990. The machine will be placed in the Regional Social Services Department. Calls will be monitored to evaluate where in the organization T.D.D.'s may be necessary.

To facilitate access for hard of hearing citizens:

14. A portable audio-listening system be available for all meetings. Two days notice will be necessary to set up the equipment. Notice should be given to the Clerk's Department.

15. An audio-listening system be installed in council chambers. An installed system is necessary in larger meeting rooms. A portable system would not accomodate the area of the council chambers.

To facilitate access to information about opportunities for participation:

16. Committee and public meetings be publicized in an auditory as well as a visual manner. For example, using Cable 14's Bulletin Board or "News on the Air" program or accessing the SPECTEL program of the Hamilton Spectator.

17. That a publicity campaign announce the new access to information policies.

18. There be a telephone information line, with both voice and T.D.D. numbers, which gives recorded information about upcoming council, committee and public meetings. This type of service is a cost efficient way of providing information to the public. (see attachment)

To facilitate participation in local government activities:

19. Local government hold public information sessions, in the community, before each new term begins. These sessions would inform disabled (and other) citizens of the opportunities for membership or participation on committees, how committees work, what they do and how members are selected.

FINANCIAL CONSIDERATIONS

Capital Costs (estimated):

CCTV	\$5,000.00
Table (accessible, electric)	1,500.00
Chair (ergonomic)	500.00
T.D.D. (already purchased)	710.00
Tapes	300.00
Tape recorders (2)	150.00
Specialized Sound System (approx.) for council portable	9,306.00
T.D.D. (for information line)	710.00

Total	\$18,176.00

Service Costs (estimated/year):\

CCTV	195.00
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Labour Costs:

Taping costs at \$10 - \$12 per hour of playing time

- estimate 20 hours/month for library
taping
- estimate 20 hours/month for committee
members taping
- estimate 8 hours/month citizen requests

maximum	7,000.00
Telephone information line (annual)	500.00

Total	7,500.00

<u>Total Expenses Year One</u>	\$25,871.00
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It is suggested that the Region fund the policies for immediate implementation, cost sharing with the City of Hamilton as appropriate, and recovering capital costs from funds set aside and remaining unspent from the 1990 budget.

The following items could be used and, therefore, may be cost shared between the Region and the City of Hamilton:

- CCTV
- portable sound system
- auditorium sound system (council chambers)
- cost of the telephone information line (and T.D.D.)

11/27/90

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his **FOURTH** Report for 1990 and respectfully recommends:

- *1. That approval be given to setting up a committee to investigate the bringing of the Grey Cup (festivities and game) to Hamilton. The committee will include the Chairman and Vice-Chairman of the Parks and Recreation Committee, the Director of Culture and Recreation, the Hamilton Tiger Cat Football Club, and others as recommended through the Parks & Recreation Committee.
- *2. That the previous resolution of Council advocating a lottery as a fund-raising vehicle for the Hamilton Tiger Cats be re-affirmed and that Mayor R. Morrow's efforts, through the Government of Ontario, to obtain approval be supported.
3. That Friendship Agreements (Twin-City) be authorized with the Valle Peligna, Abruzzo, Italy and with Sarasota, Florida.

Note: Both are essentially cultural agreements - the Italian agreement to be conducted largely by the Abrusseze Association of Hamilton and those associations representing individual villages and towns from which many Hamiltonians have come. With Sarasota, there is already a relationship through the Hamilton-Scourge Project and Sarasota's famous Mote Museum. It is also suggested that McMaster University and The Royal Botanical Gardens could engage in agreements with the aforementioned Mote Museum, the Selby Gardens, and other educational ties with educational institutions in Sarasota.

RESPECTFULLY SUBMITTED

MAYOR ROBERT M. MORROW

1990 November 27

**Recorded vote, see page 3338*

***Recorded vote, see page 3338*

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **SIXTH** Report for 1990 and respectfully recommends:

1. Approval of the following appointments.

(A) <u>COMMITTEE OF ADJUSTMENT</u>	<u>TERM OF OFFICE</u>
Alderman F. Lombardo	November 30, 1991
Alderman H. Merling	November 30, 1991

Respectfully Submitted.

Mayor R. M. Morrow

1990 November 27

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OF HAMILTON CITY COUNCIL
esday, December 11, 1990
7:30 o'clock p.m.
Council Chamber
City Hall

The Council met.

PRESENT: Robert M. Morrow, Mayor
Aldermen T. Cooke, M. Kiss, V. Agro, W. McCulloch, B. Hinkley,
D. Drury, G. Copps, D. Wilson, D. Agostino, F. Lombardo,
V. Formosi, T. Jackson, H. Merling, J. Gallagher, T. Murray,
D. Ross.

His Worship Mayor Robert M. Morrow called the meeting to order.

Reverend George Horton, King Street Baptist Church led the Council in prayer.

The following civic award presentation was made:

Mr. Mark Hebert and Mr. Gordon McLean for winning the Ontario Provincial Junior
Ten Pin Bowling Championships.

The Minutes of the meeting held November 27, 1990 were taken as read and approved.

The following correspondence was received and dealt with as noted:

1. Letter dated 1990 November 22 from the Town of Vaughan respecting the Town of Vaughan petitioning the Ontario Government to conduct a review of the Ontario Municipal Board's role and operation.

**Referred to the Planning
and Development Committee.**

2. Letter dated 1990 November 27 from the Town of Vaughan respecting the Ontario Government Housing Policy.

**Referred to the Planning and Development
Committee.**

3. Letter dated 1990 November 28 from the Town of Vaughan respecting property taxes.

**Referred to the Finance and Administration
Committee.**

4. Letter dated 1990 November 23 from the Corporation of the City of Cambridge respecting a resolution regarding Public Libraries User Rate.

**Referred to the Finance and Administration
Committee.**

5. Letter dated 1990 November 30, from K. E. Avery, City Clerk, advising of objections received to By-law Number 90-286.

Received - No Action.

6. Letter dated 1990 November 30, from K. E. Avery, City Clerk, advising of objections received to By-law Number 90-283.

Received - No Action.

7. Application dated 1990 November 26 from Ivan Zupancic, 20 Alder Court, Stoney Creek, Ontario for a modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District for property located at 298 Grays Road, Hamilton.

Received.

* * * * *

It was moved by Alderman Ross and seconded by Alderman Hinkley

RESOLVED: That Rule No. 8 of Procedural By-law No. 82-208 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the holding of a special meeting of City Council to receive a report regarding the National Hockey League Bid.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Wilson, Formosi, Jackson, Gallagher, Murray, Ross. -13.

NAYS: 0. - CARRIED.

It was moved by Alderman Ross and seconded by Alderman Hinkley

RESOLVED: That the Mayor be requested to call a special meeting of City Council immediately following the December 21, 1990 meeting of the H.E.C.F.I. Board of Directors for the purpose of receiving a Report from H.E.C.F.I. with regards to the National Hockey League Franchise Bid.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -17.

NAYS: 0. - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee and the Report of His Worship Mayor Morrow, be considered in the Committee of the Whole with Alderman Hinkley in the chair.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. -17.

NAYS: 0. - CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - SEVENTEENTH REPORT.

TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTEENTH REPORT.

Section 1: Re: Awarding of a Contract for the construction of the New
Traffic Operations Centre - Upper Ottawa Street.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, McCulloch, Hinkley, Drury, Copps,
Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Ross - 13.

NAYS: Alderman Kiss. - 1. **CARRIED.**

PARKS AND RECREATION COMMITTEE - TWENTY-SECOND REPORT

PLANNING AND DEVELOPMENT COMMITTEE - TWENTY-SECOND REPORT

Section 1: Re: Issuance of Demolition Permits

It was moved by Alderman Lombardo and seconded by Alderman Formosi

RESOLVED: That Section 1 of the Twenty-Second Report of the Planning and
Development Committee be amended by deleting sub-section (f)
"105 Aberdeen Avenue". **CARRIED.**

LICENSING COMMITTEE - EIGHTH REPORT

THE REPORT OF HIS WORSHIP MAYOR MORROW - FIFTH REPORT

FINANCE & ADMINISTRATION COMMITTEE - TWENTY-SEVENTH REPORT

Section 12: Re: Designation - Law Department

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross - 15.

NAYS: Alderman Hinkley. - 1.

CARRIED.

* * * * *

Section 15: Re: Establishment of English Language Sub-Committee

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Agostino, Lombardo, Formosi, Jackson, Gallagher, Murray, Ross - 14.

NAYS: Aldermen Drury, Wilson, Merling. - 3.

CARRIED.

* * * * *

Section 27: Re: Composition - Hamilton Harbour Commission

It was moved by Alderman Ross and seconded by Alderman Cooke.

RESOLVED: That Sub-section (c) of Section 27 of the Twenty-Seventh Report of the Finance and Administration Committee be amended by adding the words "within three months" immediately after the words "at their convenience" in the third sentence.

CARRIED.

* * * * *

Section 30: Re: Settlement of Claim - City of Hamilton -ats- Andrea Horvath

Alderman Wilson declared personal interest in, took no part in the debate and refrained from voting on this matter. The individual involved was an employee of Alderman Wilson's at the time of the accident in question.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Ross

RESOLVED: That Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a matter concerning the use of the Coat of Arms of the Regional Municipality of Hamilton-Wentworth, The Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School on the 1991 Taxation Notification/Billings.
CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Ross

RESOLVED: That the following be added to the Twenty-Seventh Report of the Finance and Administration Committee as section 33:

"33. That the Regional Municipality of Hamilton-Wentworth, The Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board be requested to grant permission to the City of Hamilton to use their Coat of Arms on the City's 1991 Taxation Notification/Billings."

CARRIED.

It was moved by Alderman Drury seconded by Alderman Ross

RESOLVED: That Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a matter concerning Class "C" Livery Vehicles.
CARRIED.

It was moved by Alderman Drury and seconded by Alderman Ross

RESOLVED: That the following be added to the Twenty-Seventh Report of the Finance and Administration Committee as Sections 34 and 35:

- "34. (a) That the term for which Class "C" Livery Vehicle Licences are issued covering 1991 be limited to the period from January 1, 1991 to June 28, 1991, in contemplation of eliminating this class of licence.
- b) That the 1991 Licence Fee respecting Class "C" Livery Vehicle Licences be reduced to reflect the reduced term of the licence.
- c) That a subcommittee of the Finance and Administration Committee, composed of three members of City Council, be requested to hold a Public Meeting early in 1991 to receive input from the local School Boards, Taxicab Brokers, Owners and Drivers, Livery Vehicle Drivers and members of the general public on the elimination of the Class "C" Livery Vehicles.
- d) That the Licence Division be authorized to send special notice, along with the 1991 Notice to Renew Licence, to all Livery Vehicle Owners of City Council's intention to eliminate this class of licence.
- e) That the City Solicitor be authorized and directed to prepare a by-law to amend By-law 89-249 (Taxicabs and Livery Vehicles) to reflect the foregoing for submission to City Council concurrently with the recommendations.

35. That leave be granted to introduce the following Bill:

Bill H-121: A By-law to Amend By-law No. 89-249 Respecting Taxi-Cabs and Livery Vehicles"

Alderman V. Formosi declared personal interest in, took no part in the debate and refrained from voting on section 34 and 35. Alderman Formosi is an employee of the Board of Education who uses the services of Livery Vehicles.

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: That the resolution respecting Class "C" Livery Vehicle Licences be referred to the Taxi Cab Advisory Sub-Committee of the Finance and Administration Committee. **LOST.**

Recorded Vote on Section 34 and 35.

YEAS: Mayor Morrow, Alderman Cooke, Drury, Lombardo, Murray, Ross. - 6.

NAYS: Aldermen Kiss, Agro, McCulloch, Hinkley, Copps, Wilson, Agostino, Jackson, Merling, Gallagher. - 10. **LOST.**

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Alderman D. Drury be appointed Acting Mayor for the month of January, 1991. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, the Report of His Worship Mayor Morrow, and resolutions, be adopted.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Murray, Ross. -16.

NAYS: 0. -

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills be now read a first time:

A-146, A-147, A-148.

B-106.

C-170, C-171, C-172, C-173, C-174, C-175, C-176, C-177, C-178, C-179.

H-117, H-118, H-119, H-120.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Murray, Ross. -16.

NAYS: 0. -

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That Council move into Committee of the Whole to consider the following Bills, with Alderman Hinkley in the chair.

A-146, A-147, A-148.

B-106.

C-170, C-171, C-172, C-173, C-174, C-175, C-176, C-177, C-178, C-179.

H-117, H-118, H-119, H-120.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Murray, Ross. -16.

NAYS: 0. - CARRIED.

Consideration of the Bills (second reading).

Re: Bill C-177: Re: Official Plan Amendment No. 96

It was moved by Alderman Lombardo and seconded by Alderman Drury

RESOLVED: That Schedule 1 of Bill C-177, respecting Official Plan Amendment No. 96 be amended by deleting the words "Residential to Commercial" in the second paragraph in the Section entitled ACTUAL CHANGE and substituting in lieu thereof the words "Major Institutional to Residential".

CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the Report of the Committee of the Whole on the following Bills, be adopted. -

A-146, A-147, A-148.

B-106.

C-170, C-171, C-172, C-173, C-174, C-175, C-176, C-177 as amended,
C-178, C-179.

H-117, H-118, H-119, H-120.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Hinkley, Drury,
Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Murray,
Ross. -15.

NAYS: 0. -

* * * * *

CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: That the following Bills, be now read a third time, signed, sealed and enrolled as By-laws

A-146, A-147, A-148.

B-106.

C-170, C-171, C-172, C-173, C-174, C-175, C-176, C-177 as amended,
C-178, C-179.

H-117, H-118, H-119, H-120.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Hinkley, Drury,
Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Murray,
Ross. -15.

NAYS: 0. -

* * * * *

CARRIED.

City Council then adjourned at 9:05 o'clock p.m.

* * * * *

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **SEVENTEENTH** Report for 1990 and respectfully recommends:

1. That a by-law to prohibit CP Rail from train whistling at Greenhill Avenue Grade Crossing be enacted by Council.
2. That a purchase order be issued to Form & Build Supply Inc., Kitchener, in the amount of \$10,805.35, being the only supplier available, to supply and deliver concrete forming accessories for the Public Works Department, in accordance with Vendor's quotation, and that this expenditure be financed from General Roadway Maintenance Account No. CH60168 56103.
3.
 - (a) That an Offer to Purchase Easement Agreement executed by officials of Hamilton Hydro Electric System on November 12, 1990 and scheduled for closing on or before February 18, 1991, for the purchase of an easement for the lands on the west side of Upper Kenilworth Avenue south of Limeridge Road to maintain an existing underground manhole duct and cable system, be approved and completed.
 - (b) The purchase price of \$501.00 is to be credited to the following accounts:

\$1.00 to Account No. CH4X501 00102 (Sale of Land Property Purchases) and \$500.00 to Account No. CH59050 30001 (Outside Recoveries). A deposit cheque in the amount of \$50.00 is being held by the City Treasurer pending approval of this transaction.

NOTE: The subject property fronts along the westerly limit of Upper Kenilworth Avenue and is shown as Part 1 and Parts 13 to 30 inclusive, together with a right-of-way over Part 31.

12/11/90

4. That an application be submitted to Canada Trust's "Friends of the Environment Foundation", requesting \$10,000.00 to fund additional tree planting of bare root trees on the road allowances.
5. That the Director of the Property Department be authorized to enter into negotiations with the Salvation Army for the purchase of the lands required to establish the future extension of Eaglewood Drive, east of Eleanor Avenue.
6.
 - (a) That the Director of the Property Department be authorized and directed to negotiate the purchase of a 20.1 m by 146.2 m portion of the lands at 874 West Fifth Street.
 - (b) That funding for the purchase of land at 874 West Fifth Street be provided through Capital Project No. 022.1 - City's Share of Services through Unsubdivided lands.
7.
 - (a) That additional funding for the City's share of municipal services in the following subdivisions, be approved:

Subdivision

Additional
Funding

Highridge Estates - Stage 2
(62M-488)

\$ 200.00

Highridge Hills - Stage 2
(62M-603)

\$ 2,200.00

- (b) That the additional City' share of the cost of services for these developments (\$2,400.00) be approved, and that the Finance and Administration Committee recommend the source of funding for these projects.

12/11/90

8. (a) That the request of Ms. M. Chapman, agent, on behalf of the owner of 211 Mary Street, to discharge the encroachment for this address, Instrument No. 316507 C.D. registered on June 20, 1985, be approved subject to the payment of the discharge fee.
- (b) That the appropriate civic officials be authorized to execute the documents in relation to this discharge.
- (c) That the application of Ms. M. Chapman, agent for the owner of 211 Mary Street to retain the inadvertent encroachment consisting of
 - (i) A veranda and front steps encroaching onto the road allowance of Mary Street measuring 1.28 m x 4.26 m.
 - (ii) A portion of a 3 storey building encroaching onto the road allowance of Mary Street measuring 0.88 m x 16.35 m.

approved provided:

- i. That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
- ii. That the first year fee of \$125.00 and subsequent annual fee of \$20.00 be set for this privilege.
- iii. That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement.

12/11/90

9.
 - (a) That the existing "No Parking" regulation on the west side of Moxley Drive between Mohawk Road and Rideau Crescent be removed.
 - (b) That stopping be prohibited on the west side of Moxley Drive between Mohawk Road and a point 113 feet southerly therefrom.
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
 - (d) That the owners of the townhouse complex at 914 Mohawk Road East be requested to revise the internal parking layout such that additional off-street parking can be provided on the private property.
10. That, in accordance with Section 70 of the Police Act, the following persons be appointed as Parking Control Officers:
 - Ms. Pamela M. Beam
 - Mr. Lorne J. Leblanc
 - Ms. Susan M. Vickers
 - Mr. Frederick W. Smith
 - Mr. John T. Tyne
11.
 - (a) That the existing Residential Boulevard Parking Agreement registered as Instrument No. 456264 C.D. to the property at 98 Tuxedo Avenue South be discharged, at the property owner's expense.
 - (b) That the City Solicitor be directed to prepare the necessary documents in relation to the discharge of this agreement.

12/11/90

12. (a) That an "Alternate Side Parking" regulation be implemented on Carling Street between Paradise Road and Macklin Street such that parking is prohibited on the north side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October and November; and on the south side of the street from the 16th to the last day of the months of April, May, June, July, August, September, October and November.
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
13. That the existing supervised school crosswalk on Albright Road approximately 150 feet east of Nicklaus Drive be relocated to the east leg of the intersection of Albright Road and Nicklaus Drive.
14. That leave be granted to introduce the following Bills:
- | | |
|------------|---|
| Bill A-146 | A By-law to Prohibit Canadian Pacific Limited from Train Whistling at Mileage 51.90 Fort Erie Subdivision |
| Bill A-147 | A By-law to Amend By-law No. 89-72 to Regulate Traffic |
| Bill A-148 | A By-law to Amend By-law No. 89-72 to Regulate Traffic |

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Tina Agnello, Secretary

December 3, 1990

12/11/90

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **EIGHTEENTH** Report for 1990 and respectfully recommends:

- * 1. (a) That a purchase order be issued to Canadian Engineering & Contracting Ltd., 121 Shaw Street, Hamilton, Ontario in the amount of \$4,600,000.00 (lowest acceptable of the twelve bids received) for the construction of the New Traffic Operations Centre at 1375 Upper Ottawa Street. Funds are available in Account No. CF5698 758841001.
- (b) That approval be given to enter into a contract, satisfactory to the City Solicitor, with Canadian Engineering & Contracting Ltd., 121 Shaw Street, Hamilton, Ontario for the construction of the New Traffic Operations Centre at 1375 Upper Ottawa Street. The contract amount will be \$4,600,000.00.
- (c) That the Mayor and the City Clerk execute the Contract on behalf of the City.

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Tina Agnello, Secretary

December 11, 1990

* Recorded Vote, See Page **3402**

12/11/90

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **TWENTY-SECOND** Report for 1990 and respectfully recommends:

1. That the City Clerk be authorized to publish a Notice of Application for approval of the establishment of a columbarium in the basement of Christ's Church Cathedral, 252 James Street North.
2.
 - (a) That the Recreational Facility Needs Study, "Vision 2000" - Final Report dated November 1990 as prepared by the Culture and Recreation Department be received.
 - (b) That the Director of Culture and Recreation be directed to inaugurate the long range plans for subsequent recommendations and appropriate future action, subject to the consideration of the priorities of other City Capital Projects.

NOTE: The Recreational Needs Study forms the basis of a plan to systematically address Recreational Facility Needs to the Year 2000 which includes the development of a Policies and Priorities Manual and a Facilities Monitoring Program.

3. That a purchase order be issued to Colonial Fence, Hamilton, in the amount of \$17 449.50 to supply and install a chain link fence at Mohawk Sports Park, Upper Kenilworth and Mohawk Road, being the lowest acceptable of four (4) tenders received, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed from Mohawk Sports Park, Various Improvements Account No. CH56398 62910 (703-5808).

12/11/90

4. That the purchase order to Malcolm Isbister & Co. Ltd., Dundas, for restoration work to the Hamilton Museum of Steam and Technology, in the amount of \$90 335 and approved by Council 1989 May 09, be amended by adding the following change orders in the amount of \$27 000:

(a) Change Order 1

- i. additional work to chimney plinth and north wall
of engine house \$19 500

(b) Change Order 2

- i. additional work to south wall of engine house \$15 500

(c) Change Order 3

- i. repairs to downspouts on south wall and additional
work on south wall of boiler house \$ 3 000

(d) Deletion

- i. all work on west wall of boiler house and steps \$11 000

and that this expenditure be financed from the Restoration of Steam Museum Account No. CF 718941001 5200.

5. (a) That the Tariff of Charges for City-owned cemeteries as set out in Schedule "A" attached, be approved upon receipt of approval from the Ministry of Consumer and Commercial Affairs, Cemeteries Branch, and implemented on 1991 January 02.
- (b) That the City Solicitor be authorized and directed to prepare a By-law to amend Cemetery By-law 8861 so as to provide for the increase in the Tariff of Charges.
- (c) That the Manager of Cemeteries be authorized and directed to make application to the Ministry of Consumer and Commercial Affairs, Cemeteries Branch, for approval of these rates.

12/11/90

6. (a) That the Director of Public Works be authorized and directed to make application to the Niagara Escarpment Commission for approval to construct a new workshop and yard facility for the Chedoke Golf Course on the site of the existing chipping green immediately west of the existing Chedoke Maintenance Depot.
- (b) That the existing Capital Budget Project "Chedoke Golf Course Storage and Workshops" in the amount of \$161 000 (Centre 628641001) be used for this project.
- (c) That a new chipping green be constructed on a site immediately south of the proposed workshop yard within proximity of the existing chipping green.
- (d) That the existing workshop located in the north-east corner of the Golf Course near Chedoke Avenue be demolished upon completion of the new proposed building and the cleared area be incorporated into the Golf Course and Chedoke Parkette as determined by site conditions.
7. That \$52 670 be transferred from the following Public Works - Parks Division (Sports Facilities) Accounts:

CH 51401 62116	Stadia Clean-up	-	\$ 2 000
CH 51401 62118	Stadia Maintenance	-	\$ 2 000
CH 51401 62120	Stadia Operations	-	\$ 2 670
CH 50010 62502	Special Repair Projects	-	<u>\$46 000</u>

\$52 670

to CH 51001 62001 - Parks Division, Administration Salaries to provide for the salary for the Superintendent of Facilities in the Parks Division - Administration Accounts.

8. For the Information of Council, the Parks and Recreation Committee appointed Alderman D. Wilson to the Arts Advisory Sub-Committee to fill the vacancy created by the resignation of Alderman D. Christopherson.

12/11/90

9. That leave be granted to introduce the following Bill:

B-106 By-law to Amend Cemeteries By-law 8861 respecting Revised
Tariff of Charges.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

**ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

1990 December 04

January 2, 1991

(Cemeteries By-Law No. 8861)

	Resident and Non-Resident <u>Realty Taxpayers</u>	<u>Non-Residents</u>
<u>OPENING AND CLOSING</u>		
6 ft. Adult	386.00	449.00
8 ft. Adult	523.00	583.00
6 ft. Child - case up to 42"	230.00	342.00
- case 43" to 60"	263.00	376.00
- case 61" to 72"	292.00	425.00
8 ft. Child - case up to 60"	292.00	425.00
- case 61" to 72"	325.00	472.00
Baby Special - Up to one month old	44.00	71.00
Cremation	128.00	183.00
Mansion of Memories (Stoney Creek - New Crypts only)	317.00	373.00
<u>LOWERING</u> (Opening Charges not included)		
Adult - From 6 ft. to 8 ft. - Shell	264.00	400.00
- From 6 ft. to 8 ft. - Steel Vault	515.00	770.00
- From 6 ft. to 8 ft. - Concrete Vault .	614.00	923.00
Child - From 6 ft. to 8 ft. - 5 to 10 years ..	183.00	272.00
- From 6 ft. to 8 ft. - under 5 years ..	88.00	129.00
<u>REMOVALS</u>		
Adult- Shell	1,391.00	2,140.00
- Concrete Vault or Crypt	1,135.00	1,698.00
Child - Shell	330.00	514.00
- Concrete Vault or Crypt	353.00	523.00
Cremation	128.00	183.00

HAMILTON MUNICIPAL CEMETERIES' TARIFF OF CHARGES

JANUARY 2, 1991

	Resident and Non-Resident Regular Taxpayers	Non-Residents
<u>SALE OF LOTS AND GRAVES INCLUDING PERPETUAL CARE</u>		
<u>Adult Single Grave</u> (3½' x 10') (4' x 9') (4' x 10')		
Graves cannot be selected or purchased in advance but are opened in sequence	371.00	458.00
<u>Preferred Single Grave</u> (3½' x 10') (4' x 10')		
Where grave may be selected and purchased in advance of need	621.00	767.00
<u>Child Single Grave</u>		
Case up to 60" (2' x 5')	89.00	116.00
Case 61" to 72" (3' x 6')	132.00	172.00
<u>Urn Garden</u> (1-3/4' x 5')	207.00	251.00
<u>Veteran's Grave</u> (3½' x 10')	352.00	
<u>Social Services Grave</u> (3½' x 10') (4' x 9') (4' x 10') ...	371.00	
<u>Two-Grave Lot</u> (7' x 10') (6' x 12') (8' x 10')	1,423.00	1,774.00
<u>Two-Grave Lot - Eastlawn</u> Section 15, 16 (6' x 12')		
(6' burials only)	1,162.00	1,450.00
<u>Three-Grave Lot - Woodland</u> Section 17 (10½' x 10')	2,125.00	2,659.00
<u>Four-Grave Lot - Woodland</u> Section 15 (12' x 12')	5,147.00	6,429.00
<u>Four-Grave Lot - Woodland</u> Sections 21, 22, 25 (10' x 14') (12' x 12')		
- Eastlawn Section 19 (12' x 12')	2,786.00	3,542.00
<u>Four-Grave Lot - Trinity</u> (8' x 16')	2,618.00	3,322.00
<u>Mansion of Memories - Mausoleum Crypt</u>	992.00	1,090.00
<u>Baby Special</u>	39.00	41.00
<u>ADDITIONAL SERVICES</u>		
<u>CRYPTS</u>		
Child	230.00	
Youth	240.00	
Standard	250.00	
Intermediate	260.00	
Oversize	270.00	
<u>PLANTING</u>		
Preparing ground and planting flowers per grave	37.00	
Preparing ground and planting one shrub	48.00	
(Flowers and shrubs are to be provided by the family at their expense.)		
<u>MISC.</u>		
Tent in cemetery	118.00	
Rental of tent outside cemetery	161.00	
Rental of dressing for use outside cemetery	128.00	
Rental of lowering device outside cemetery	128.00	
Transfer Fee \$2.00 + Research \$22.00 ...	24.00	

NOTE:

35% of all lot and grave sales goes into Perpetual Care

HAMILTON MUNICIPAL CEMETERIES' TARIFF OF CHARGES

JANUARY 2, 1991

	Resident and Non-Resident <u>Realty Taxpayers</u>	<u>Non-Residents</u>
<u>FOUNDATIONS AND MARKERS</u>		
<u>Foundation</u> - pouring per square inch of surface area (to be poured 6 feet deep)	.88	1.32
<u>Marker Setting Fee</u> (maximum size 24" long x 18" wide) (thickness 8" maximum - 4" minimum)	107.00	165.00
Social Service Marker	107.00	144.00
Bronze Vase	107.00	165.00
D.V.A. Upright	90.00	
D.V.A. Flat	90.00	

Preferred Singles

Only a flat marker 24" in length and 18" in width is permitted.

Singles Graves in a Row

A flat granite marker, maximum 24" in length and 18" in width is permitted.

Urn Garden Section

Only a flat marker 12" in length and 10" in width is permitted.

Children's Section

Only a flat marker 18" in length and 14" in width is permitted.

Two-Grave Lot Section

Upright monument is allowed, maximum length of base must not exceed 3'2" (38"), and maximum width must not exceed 1'2" (14"). All bases must be at least 6" in height. The total over-all height of any memorial must not exceed 4' (48"). All memorial bases must have a projection of at least 3" on all sides from the edge of the die or cross.

Three and Four-Grave Lot Section

Maximum base area not to exceed 10% of lot area. Total over-all height to be governed by base size for appearance and balance. All memorial bases must have a projection of at least 3" on all sides from the edge of the die or cross.

12/11/90

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTY-SECOND** Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 186 Queen Street North
 - (b) 188 Queen Street North
 - (c) 45 Beechwood Avenue
 - (d) 270 Dundonald Avenue
 - (e) 1530 Upper James Street
 - (f) 105 Aberdeen Avenue.
2. That an increase under the Commercial Facade Loan Programme, in the amount of two thousand, seven hundred and fifty-four dollars (\$2,754.) be approved for 207-209 King Street East, Mr. U. Kim for a new loan amount of forty-five thousand dollars (\$45,000.). The interest rate will be 7-3/8 percent, amortized over 10 years.
3. That a Commercial Facade Loan, in the amount of fifteen thousand dollars (\$15,000.) be approved for 640 Concession Street, Dr. William Cowan. The interest rate will be 6-5/8 percent, amortized over 10 years.
4. That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to The Hamilton Museum of Steam & Technology, 900 Woodward Avenue, Hamilton.
5. That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the Church of the Ascension, 64 Forest Avenue, Hamilton.

* Section 1(f) deleted

12/11/90

6. That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to Whitehern, 41 Jackson Street West, Hamilton.
7. That a repayable loan under the Community Heritage Trust Fund in the amount of one thousand, one hundred and twenty-five dollars (\$1,125.) be approved for Jane & Paul Rigby, 260 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of one thousand, one hundred and twenty-five dollars (\$1,125.) be provided to Jane & Paul Rigby, 260 MacNab Street North, Hamilton.

8. That the City Solicitor be authorized and directed to amend By-law No. 90-232 respecting the regulation of gun shops, to make certain housekeeping changes giving effect to City Council's original intent.
9. (a) That the City of Hamilton accept the sum of \$98,475. as cash payment in lieu of the 5% parkland dedication, in connection with Effort Gardens, Hamilton.
- (b) That the City of Hamilton accept the sum of \$16,815. as cash payment in lieu of the 5% parkland dedication, in connection with Effort Gardens Extension, Hamilton.

NOTE: The above figures represent the cash requirement under Section 50 of the Planning Act.

These lands are located north of Stone Church Road and east of Upper James Street, in the Jerome Neighbourhood, Hamilton.

10. By Ground Lease dated 1983 May 3, The Corporation of the City of Hamilton leased the Sheraton Hotel site to Lakeview Development Ltd. With Council's approval as landlord, Lakeview Development Ltd. assigned this Lease in 1989 April, to a new Lessee, namely GGS Hotel Holdings Canada Inc. On 1990 July 31, the City, as Landlord approved a Ground Lease mortgage being made by GGS Hotel Holdings Canada Inc. (as borrower) - in favour of Century Leasing System, Inc. (Mortgage lender) in the amount of \$23,950,000. at 20% per annum.

It is recommended that:

12/11/90

- (a) GGS Hotel Holdings Canada Inc.'s request to the City as Landlord for approval to change the Mortgage lender from Century Leasing System, Inc. to Chigin-Seiho Housing Loan Co., Ltd. be approved.

This approval is subject to the condition that the City receives from GGS Hotel Holdings Canada, Inc. and Chigin-Seiho Housing Loan Co., Ltd., an Agreement (titled Section 16.01 Agreement) under which this new lender covenants to comply with the Ground Lease if it ever takes over the Hotel. The Mayor and City Clerk are hereby authorized to execute this Agreement. This Agreement shall be registered on title to the Hotel by GGS Hotel Holdings Canada Inc. as required by the Ground Lease and the Hotel Interface Agreement dated 1984 July 30 (sec. 13(g)).

- (b) A Mortgage Amending Agreement be approved by the City as Landlord between GGS Hotel Holdings Canada Inc. and Chigin-Seiho Housing Loan Co., Ltd. (titled Mortgage Amending Agreement) to clarify the repayment terms of the mortgage and the method of calculating interest under the Mortgage. The other terms, namely the size of the loan, \$23,950,000. and the interest rate (20%) to remain the same;
- (c) An Estoppel Certificate be issued by the City as Landlord to the new Mortgagee Chigin-Seiho Housing Loan Co., Ltd. under which the City confirms to the lender that the Ground Lease is in good standing (This Certificate confirms among other matters, that there are no rent, realty or business taxes outstanding);
- (d) That a Certificate be issued by the City in which the City confirms to the new lender that GGS Hotel Holdings Canada Inc. is in compliance with its obligations to the City in the Interface Agreement, the Pedestrian Bridge Agreement, the Truck Tunnel Agreement and the Canopy Encroachment Agreement.

NOTE: The documents being approved, namely the 16.01 Agreement, the Mortgage Amending Agreement, the Estoppel Certificate and the Certificate are attached herewith and marked as Appendix "A".

Under the Ground Lease (sec. 16.01) dated 1983 May 3, assumed by GGS Hotel Holdings Canada Inc. in 1989, GGS Hotel Holdings Canada Inc.'s mortgagee and a change in the Mortgagee is subject to this approval of the City as Landlord. This change of lenders does not affect the City's rights as Landlord nor does the mortgage between GGS Hotel Holdings Canada Inc. and its lender oblige the City at any time to advance or to repay any loan.

12/11/90

11. That the application fees for Official Plan Amendments, Rezoning Applications, Official Plan Amendment and Rezoning Applications, Site Plan Control Applications and amended Site Plan Control Applications be increased annually at the rate of inflation.

NOTE: The current fees for the above-noted services are as follows:

(a) Official Plan Amendment	\$ 750.00
(b) Rezoning Application	\$ 750.00
(c) Official Plan Amendment and Rezoning	\$1,500.00
(d) Site Plan Control	\$ 350.00
(e) Amended Site Plan	\$ 150.00

12. (a) That approval be given to amend a previously draft approved plan of subdivision which was recommended for approval by City Council on 1986 March 25, for "Eleanor Estates", owned by N. Elia, Hamilton, Ontario, under Regional File No. 25T-85035, by deleting all previous conditions and replacing same with the following conditions:
- (i) That this approval apply to the plan prepared by A. J. Clarke, dated 1990 November 1, showing 17 lots, one Block (Block "18") for road widening and one block (Block "19") as part of a road.
 - (ii) That the road allowance and the widening for Stone Church Road East be dedicated as a public highway on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the proposed subdivision conform with the Zoning By-law approved under The Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.
 - (viii) That sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft.) from the centreline of the original Stone Church Road road allowance, and that the road widening be dedicated on the final plan.

12/11/90

- (ix) That the future Eaglewood Drive align with the future Eaglewood Drive, to be established to the east of this proposed development as indicated on the approved Eleanor Neighbourhood Plan.
 - (x) That sufficient lands be dedicated to establish Eaglewood Drive road allowance to its full width of 20.0m west of Eleanor.
 - (xi) That sufficient lands be dedicated to the City at this time to create a 15m radius cul-de-sac approximately 32m south of Stone Church Road.
 - (xii) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton.
 - (xiii) That the owner satisfy the requirements of the Ministry of the Environment in regard to possible excessive noise.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-85035), Nick Elia owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

NOTE: The lands, comprised of .929 ha., are located on the south side of Stone Church Road East and on the west side of Eleanor Avenue in the Eleanor Neighbourhood, being part of Lot 8, Concession 8, formerly in the Township of Barton, now in the City of Hamilton.

13. (a) That approval be given to proceed with the required publication of a proposed by-law to rename Ridge Street to Jeremy Street.
- (b) That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Ridge Street to Jeremy Street.

NOTE: Ridge Street was established by Registered Plan No. 1055 in the Jerome Neighbourhood and is also existing in the Greeningdon Neighbourhood north of Limeridge Road East. To avoid duplication of a road name, that section of Ridge Street located in the Jerome Neighbourhood should be renamed.

Ridge Street in the Jerome Neighbourhood is located north and south of Chipman Avenue east of James Street.

12/11/90

14. That the Terms of Reference of the Central Area Plan Implementation Committee, attached herewith and marked as Appendix "B", be approved.
15. That approval be given to the following Neighbourhood Plan amendments:
 - (a) That the approved Vincent Neighbourhood Plan be amended by redesignating the lands at 245 Quigley Road, as shown as Block "1" on Schedule "A", attached herewith and marked as Appendix "C", from "Low Density Apartments" to "Attached Housing";
 - (b) That the approved Broughton East Neighbourhood Plan be amended by redesignating the lands on both sides of Derby Street, as shown as Block "1" and Block "2" on Schedule "B", attached herewith and marked as Appendix "D", from "Medium Density Apartments" to "Attached Housing";
 - (c) That the approved Ainslie Wood West Neighbourhood Plan be amended by redesignating the lands at 1967 Main Street West, as shown as Block "1" on Schedule "C", attached herewith and marked as Appendix "E", from "Low Density Apartments" to "Attached Housing";
 - (d) That the approved Templemead Neighbourhood Plan be amended as follows:
 - (i) By redesignating the lands at 1073, 1081, and 1085 Rymal Road East, as shown as Block "1" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Attached Housing";
 - (ii) By redesignating the lands at 1067 Rymal Road East, as shown as Block "2" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Attached Housing";
 - (iii) By redesignating the lands at 1097 Rymal Road East, as shown as Block "3" on Schedule "D", attached herewith and marked as Appendix "F", from "Medium Density Apartments" to "Single and Double" Residential;
 - (e) That the approved Kirkendall South Neighbourhood Plan be amended by redesignating the lands at the south-east corner of Aberdeen Avenue and Spruceside Avenue, as shown as Block "1" on Schedule "E", attached herewith and marked as Appendix "G", from "Single and Double" residential to "Park and Recreational";
 - (f) That the approved Kentley Neighbourhood Plan be amended by adding a cul-de-sac to Pottruff Road North to the north of 362 Pottruff Road North, as shown on Schedule "F", attached herewith and marked as Appendix "H";

12/11/90

- (g) That the approved Rolston Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "G", attached herewith and marked as Appendix "I", for the lands on the west side of West Fifth Street, north of the Red Hill Creek Expressway; and,
- (h) That the approved Yeoville Neighbourhood Plan be amended by adding the note pertaining to no access to West Fifth Street when the Red Hill Creek Expressway overpass is constructed, as shown on Schedule "H", attached herewith and marked as Appendix "J", for the lands on the east side of West Fifth Street, north of the Red Hill Creek Expressway.

NOTE: The purpose for the amendments to the Neighbourhood Plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its designated use.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

- 16. That Zoning Application 90-72, Future Homes Construction (Felice Bozzo), owner, requesting an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial" and to include the lands in Special Policy Area 31, and a rezoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-3" (Public Parking Lots) District, to permit a parking lot in conjunction with adjoining commercial lands at 21 Rymal Road West, for property located at 22 Kennedy Avenue, as shown on the attached map marked as Appendix "K", be **DENIED** for the following reasons:
 - (a) It conflicts with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan which designate the lands as "Residential" and "Single and Double Residential", respectively;
 - (b) The proposal would be incompatible with adjoining residential properties to the west and south and would be an intrusion of a commercial use into a residential neighbourhood. In this regard, approval of the application would encourage other similar applications which, if approved, would undermine the residential character of the area and the intent of the approved Kennedy East Neighbourhood Plan; and,
 - (c) Development of the lands should more appropriately be in conjunction with the adjoining commercially designated land on Rymal Road West.

12/11/90

17. (a) That approval be given to Zoning Application 90-78, Gwynette and Frederick Seymour, owners, requesting a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a fifteen bed residential care facility for senior citizens to be operated jointly with the adjoining twenty bed residential care facility at 60 West Avenue South, for property located at 70 West Avenue South, as shown on the attached map marked as Appendix "L", on the following basis:
- (i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 11.(7) of By-law No. 6593, a residential care facility for the accommodation of not more than 15 elderly residents of at least 60 years of age shall be permitted;
 - (2.) That notwithstanding Section 18A.(1) of By-law No. 6593, not less than four parking spaces shall be provided and maintained on the land on which the residential care facility is situated;
 - (3.) That notwithstanding Section 18A.(9) of By-law No. 6593, the manoeuvring area for the required four parking spaces may be located off-site;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1212, and the subject lands on Zoning District Map E-14 be notated S-1212;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council; and,
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicants have applied for and received approval of site plans regarding parking for 60 and 70 West Avenue South.

NOTE: The purpose of the By-law is to provide for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at 70 West Avenue South.

12/11/90

The effect of the By-law is to permit the use of the subject lands as a residential care facility for not more than fifteen elderly residents of at least 60 years of age. In addition, the By-law provides the following variances as special requirements:

- (a) Four parking spaces whereas five are required; and,
- (b) The manoeuvring for the required parking may be provided off-site whereas it is required to be on-site.

18. That Zoning Application 90-48, Glenville Lionel Brewster and Dorothy Merlene Brewster, owners, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations to legalize the established four-family dwelling located at 218 - 220 Maplewood Avenue, as shown on the attached map marked as Appendix "M", be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a four-family dwelling into an area which is predominately occupied by single-family and two-family dwellings.
- (b) Approval of the application would encourage other similar applications, which if approved, would undermine the intent of the Zoning By-law and change the character of the area.

19. That leave be granted to introduce the following Bills:

- (a) C-170 A By-law to amend By-law No. 84-35 to provide for maintaining land in a clean and clear condition.
- (b) C-171 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 186 and 188 Queen Street North.
- (c) C-172 A By-law to amend Zoning By-law No. 6593 respecting lands located on the west side of Upper Wentworth Street, north of Stone Church Road East.
- (d) C-173 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 236 Stone Church Road West.

12/11/90

- (e) C-174 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 158 Mary Street.
- (f) C-175 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1650 Upper Ottawa Street.
- (g) C-176 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 1209-1223 Upper James Street.
- (h) C-177 A By-law to adopt Official Plan Amendment No. 96 respecting lands located on the west side of Rice Avenue, south of Chedmac Drive within the Mountview Neighbourhood.
- (i) C-178 A By-law to amend Zoning By-law No. 6593 respecting lands located on the south side of Rymal Road East between Glover Road and Trinity Church Road.
- (j) C-179 A By-law to amend Zoning By-law No. 90-232 respecting Regulation of Gun Shops.

Respectfully submitted,

**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1990 December 5**

12/11/90

ESTOPPEL CERTIFICATE

TO: CHIGIN-SAIHO HOUSING LOAN CO., LTD.

AND TO: FASKEN CAMPBELL GODFREY
37th Floor
P.O. Box 20
Toronto-Dominion Bank Tower
Toronto-Dominion Centre
37th Floor
Toronto, Ontario
M5K 1N6

RE: Ground Lease dated the 3rd day of May, 1983, registered January 31, 1984 as Instrument No. 271066 C.D., as amended by certain agreements including, agreements dated May 3, 1983, July 29, 1983, November 26, 1986, December 1, 1986 and April 14, 1989, registered as Instruments No. 292838CD, 292840CD, 250290LT, 250289LT, 250288LT, respectively, all between The Corporation of the City of Hamilton (the "City") and Lakeview Development Ltd. ("Lakeview"), as further amended by Agreement dated May 12, 1986 and registered as Instrument No. 250287LT between the City, Lakeview and Citibank Canada, by Agreement dated March 31, 1989 and registered as Instrument No. 250287LT between the City, Lakeview, First Phase Civic Square Limited and King Street Hamilton Hotel Limited Partnership and by Agreement dated April 15, 1989 and registered as Instrument No. 250509LT between the City, Lakeview, GGS Hotel Holdings Canada Inc., and King Street Hamilton Hotel Limited Partnership

(the "Ground Lease")

The City hereby certifies as of this date pursuant to Section 22.07 of the Ground Lease, as follows:

1. That GGS Hotel Holdings Canada Inc. ("GGS") is in possession of the land described in the Ground Lease and took possession thereof on the 19th day of April, 1989, and has paid rent in accordance with the provisions of the Ground Lease to December 1, 1990 and that the City does not hold any prepaid rent, letter of credit or deposit or any amount whatsoever, with respect thereto.
2. That the Ground Lease has not been amended except as set out above and that the Ground Lease continues in full force and effect.
3. That the Ground Lease is in full force and effect and GGS is not, as of the date hereof, to the knowledge of the City, in default under the Ground Lease, save as is set out herein.
4. That the City hereby acknowledges and accepts that this Certificate shall be relied upon by Chigin-Saiho Housing Loan Co., Ltd.

Appendix "A" as referred to in Section 10 of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.

5. That there are obligations of GGS outstanding under the Ground Lease as follows:

- a) The Truck Tunnel Agreement between the City and GGS dated April 15, 1989 and the Pedestrian Bridge Agreement between the City and GGS dated April 15, 1989 are to be registered in the Land Registry Office for the Land Titles Division of Wentworth (the "Registry Office") upon approval of the plan of survey required for registration of the Pedestrian Bridge Agreement.
- b) The City has (pursuant to an Agreement dated April 15, 1989 and registered in the Registry Office as Instrument No. 250509 LT) approved Lakeview as the Hotel Manager and has received as required by the Ground Lease a copy of the Hotel Management Agreement between Lakeview and GGS.

As GGS now wishes to manage the Hotel directly, it is required to apply for the City's approval to replace Lakeview, and if this is approved, may be required to enter into an Amending Agreement with the City to adjust references in the Ground Lease to Lakeview, to the Hotelier and to the Hotel Management Agreement to reflect the proposed change.

DATED this day of , 1990.

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

City Clerk

SLA-ESTOPPEL:VMRE

CERTIFICATE

TO: CHIGIN-SEIHO HOUSING LOAN CO., LTD.

AND TO: FASKEN CAMPBELL GODFREY
37th Floor
P.O. Box 20
Toronto-Dominion Bank Tower
Toronto-Dominion Centre
Toronto, Ontario
M5K 1N6

- RE: (i) An agreement (the "Interface Agreement") between The Corporation of the City of Hamilton (the "City"), Lakeview Development Ltd. ("Lakeview"), Second Phase Civic Square Limited ("Second Phase") and Fourth Phase Civic Square Limited ("Fourth Phase") dated July 30, 1984 and registered in the Land Registry Office for the Land Titles Division of Wentworth, at Hamilton (the "Registry Office") as Instrument No. 161659 LT, as further amended by the Lease Amending Agreement between the City, Lakeview, First Phase Civic Square Limited, Second Phase, Fourth Phase, GGS Hotel Holdings Canada Inc. ("GGS") and King Street Hamilton Hotel Limited Partnership dated March 31, 1989 and registered on April 19, 1989 in the Registry Office as Instrument No. 250510 LT;
- (ii) A pedestrian bridge agreement (the "Pedestrian Bridge Agreement") between the City and GGS dated April 15, 1989;
- (iii) A truck tunnel agreement (the "Truck Tunnel Agreement") between the City and GGS dated April 15, 1989; and
- (iv) A roof canopy agreement (the "Encroachment Agreement") between The Regional Municipality of Hamilton-Wentworth, Lakeview, 127089 Canada Ltd. and the City dated June 10, 1985 and registered in the Registry Office as Instrument No. 189019 L.T.
- (v) A development agreement (the "Hotel Development Agreement") between Lakeview and the City dated as of November 1, 1981, registered in the Registry Office as Instrument No. 292836CD, as amended by agreements registered as Instruments No. 292837CD, 292838CD, 292839CD, 292840CD, 250288LT, 250289LT and 250590LT.
- (vi) All of the agreements, as amended, referred to in subparagraphs (i)-(iv) shall be collectively referred to as the "City Agreements".

The Corporation of the City of Hamilton hereby acknowledges, confirms and represents as of this date that:

1. none of the City Agreements has been further amended and that such agreements are in full force and effect and are hereby confirmed;
2. to the knowledge of The Corporation of the City of Hamilton, GGS Hotel Holdings Canada Inc. is not in default under any of the City Agreements;
3. the Truck Tunnel Agreement and the Pedestrian Bridge Agreement are to be registered in the Registry

Office upon approval of the plan of survey required for registration of the Pedestrian Bridge Agreement.

4. there are no continuing or new obligations, covenants or agreements under the Hotel Development Agreement except for the obligations contained in the ground lease (the "Ground Lease") dated May 3, 1983 between the City and Lakeview as amended from time to time. The Certificate of Final Completion dated April 19, 1989 from the Review Authority, issued pursuant to Section 4.04(b) of the Hotel Development Agreement discharges the Developer from each and every obligation, covenant, agreement and undertaking contained in the Hotel Development Agreement except for the obligations contained in the Ground Lease.
5. this Certificate shall be relied upon by Chigin-Saiho Housing Loan Co., Ltd.

DATED this day of , 1990

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

City Clerk

SECTION 16.01 AGREEMENT

THIS INDENTURE made as of the day of November, 1990.

B E T W E E N:

OGS HOTEL HOLDINGS CANADA INC.

(hereinafter called the "Mortgagor" and the
"Lessee")

OF THE FIRST PART

- and -

CHIGIN-SEIHO HOUSING LOAN CO., LTD.

(hereinafter called the "Mortgagee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "Lessor")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a ground lease (the "Original Ground Lease") dated as of the 3rd day of May, 1983, the Lessor leased to Lakeview Development Ltd. ("Lakeview") the land therein described, as set out in Schedule "A" attached hereto (the "Leasehold Land"), for and during a term of years to be computed from and inclusive of the 3rd day of May, 1983 to be fully completed and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the Original Ground Lease;

AND WHEREAS the Original Ground Lease was registered on title to the Leasehold Land as Instrument No. 271066 C.D. on January 31, 1984;

AND WHEREAS the Original Ground Lease has been amended, inter alia, by the following Agreements registered on title to the Leasehold Land (the Original Ground Lease, as

thereby amended, being herein referred to as the "Ground Lease"):

1. May 3, 1983 Closing Agreement registered as Instrument No. 292838 C.D.
2. May 3, 1983 Planning Act Agreement registered as Instrument No. 292839 C.D.
3. July 29, 1983 Amending Agreement registered as Instrument No. 292840 C.D.
4. Amendment to Development Agreement dated August 21, 1985 and registered as Instrument No. 221565 L.T.
5. The Citibank Agreement dated November 1, 1984 and registered as Schedule "B" to Instrument No. 250287 L.T.
6. Extension of Time and Setback Agreement dated April 14th, 1989 and registered as Instrument No. 250288 L.T.
7. The Banquet Facilities Amending Agreement dated December 1st, 1986, and registered as Instrument No. 250289 L.T.
8. Sub-basement and Storage Rent Adjustment Agreement dated November 26th, 1986 and registered as Instrument No. 250290 L.T.
9. Hotel Management Amending Agreement dated April 15th, 1989 and registered as Instrument No. 250509 L.T.
10. Lease Amending Agreement dated March 31st, 1989 and registered as Instrument No. 250510 L.T.;

AND WHEREAS Lakeview assigned the Ground Lease to the Lessee by an Assignment of Ground Lease registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250511 L.T. and Lakeview transferred the Leasehold Land to the Lessee by Transfer/Deed of Land registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250512 L.T.;

AND WHEREAS the Lessee entered into a Ground Lease Assumption Agreement registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250513 L.T.;

AND WHEREAS the Lessor, Lakeview, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited have entered into an Agreement (the "Interface Agreement") dated as of July 30, 1984 in respect of certain lands, including the Leasehold Land, which Agreement was registered on title to the Leasehold Land as Instrument No. 161659 L.T.;

AND WHEREAS the Lessor and the Mortgagor have entered into a pedestrian bridge agreement (the "Pedestrian Bridge Agreement") dated April 15, 1989, to connect the Improvements (as said term is defined in the Ground Lease, hereinafter, the "Improvements") on the Leasehold Land to the adjacent premises in Lloyd D. Jackson Square by means of a pedestrian bridge above King Street West for access to and from the Trade and Convention Centre and other facilities situated southerly on King Street West, which agreement will be registered on title to the Leasehold Land;

AND WHEREAS the Lessor and the Lessee have entered into a truck tunnel agreement (the "Truck Tunnel Agreement") dated April 15, 1989 in respect of a truck route to be used for deliveries to and from the hotel constructed on the Leasehold Land, which agreement will be registered on title to, inter alia, the Leasehold Land;

AND WHEREAS the Mortgagor granted a charge dated August 20, 1990 (the "Mortgage") on the security of the Leasehold Land and on all buildings, improvements and other structures erected on the Leasehold Land (hereinafter collectively called the "Leasehold Land and Premises") in favour of Century Leasing System, Inc. ("CLS") with the approval of the City pursuant to Section 16.01 of the Ground Lease, as security for payment to CLS of indebtedness of the Mortgagor to CLS in an

amount not to exceed the sum of Twenty-Three Million Nine Hundred and Fifty Thousand Dollars (\$23,950,000) of lawful money of Canada;

AND WHEREAS the Mortgage was registered on title to the Leasehold Land on August 20, 1990 as Instrument No. LT285786;

AND WHEREAS CLS has agreed to transfer the Mortgage to the Mortgagee;

AND WHEREAS the Mortgagor and the Mortgagee have agreed to enter into an agreement to amend the Mortgage (the "Mortgage Amending Agreement") a copy of which is attached hereto as Schedule "B";

AND WHEREAS by the terms of the Ground Lease it is provided that the Lessee thereunder may at any time and from time to time mortgage or encumber the Leasehold Land and Premises provided that certain conditions have been complied with as more particularly set forth in Section 16.01 of the Ground Lease.

AND WHEREAS CLS entered into an agreement (the "CLS Section 16.01 Agreement") with the Mortgagor and the Lessor reflecting the requirements of Section 16.01 of the Ground Lease, which agreement was registered on title to the Leasehold Lands on August 20, 1990 as Instrument No. LT285788;

NOW THEREFORE in consideration of the premises:

1. The Mortgagee acknowledges and agrees that the Mortgage as amended by the Mortgage Amending Agreement (hereinafter the "Amended Mortgage") will be made expressly subject to the rights of the Lessor under the Ground Lease and in particular to the right of the Lessor to acquire title to the Improvements as defined in the Ground Lease, upon expiration or termination of

the Ground Lease, in accordance with and subject to the provisions and conditions of the Ground Lease.

2. The Mortgagee covenants and agrees with the Lessor that, contemporaneously with the giving of notice by the Mortgagee to the Mortgagor of any breach or default under the Amended Mortgage, the Mortgagee will notify the Lessor in writing of such breach or default.
3. (a) The Mortgagee covenants and agrees with the Lessor that it shall be bound by all of the covenants and obligations of the Lessee contained in the following documents (the "Documents"):
 - (i) the Ground Lease;
 - (ii) the registered Interface Agreement and any agreement, lease, sub-lease or easement contemplated by the Interface Agreement entered into or to be entered into by the Mortgagor;
 - (iii) the Pedestrian Bridge Agreement, a copy of which the Mortgagee acknowledges having received;
 - (iv) the Truck Tunnel Agreement, a copy of which the Mortgagee acknowledges having received; and
 - (v) June 10, 1985 Encroachment Agreement registered as Instrument No. 189019 L.T.

The Mortgagee's obligation to be bound by the terms and conditions of the Documents shall arise in the event that the Mortgagee enters into possession of the Leasehold Land and Premises, or in the event that the Mortgagee takes any other steps to enforce its security, which steps have the effect of depriving the Lessee of the ability to fully perform the covenants and obligations under the Documents. Upon the sale or transfer of the Leasehold Land and Premises and the Ground Lease following the realization by the Mortgagee on the Amended

Mortgage, by the exercise of the power of sale of the Amended Mortgage or otherwise, it shall obtain from the assignee of the Leasehold Land and Premises and of the Ground Lease a covenant with the Lessor to perform all of the Lessee's obligations under the Documents. The Mortgagee shall be relieved and fully discharged from performance of the covenants, agreements and obligations contained in the Documents from and after the date that such assignee enters into possession of the Leasehold Land and Premises and enters into the covenant with the Lessor to be bound by the Documents.

(b) Without limiting the generality of Section 3(a), the Mortgagee covenants and agrees with the Lessor that notwithstanding that some of the Documents have not yet been finalized or registered on title, the Mortgagee agrees that:

(i) the Amended Mortgage is and shall be (in the manner and to the extent provided for in Section 3(a) above) subject to and subordinate to, in all respects, the rights of the Lessor under the Documents;

(ii) that those Documents not yet registered on title to the Leasehold Land shall be an encumbrance upon the Leasehold Land prior to the Amended Mortgage in the same manner and to the same effect as if they had been dated and registered prior to the Amended Mortgage; and

(iii) that if the Amended Mortgage is registered prior to the registration of any of the Documents, the Mortgagee agrees and undertakes to provide the Lessor with a postponement of its security, including the Amended Mortgage, to the Documents and to do all other acts and things as may reasonably be required by the Lessor to ensure that the Documents are prior to the interest of the Mortgagee.

4. The Lessor covenants and agrees with the Mortgagee that the Mortgagee will be relieved and fully discharged of and from future performance of covenants, agreements and obligations contained in paragraph 3 hereof from and after the date on which any assignee of the Leasehold Land and Premises referred to in paragraph 3 hereof, covenants with the Lessor to perform all of the Lessee's obligations under the Ground Lease as provided in paragraph 3 hereof and enters into possession as aforesaid.
5. The Mortgagor and Mortgagee agree that Section 22.09 of the Ground Lease does not impose on the Lessor any obligation to:
 - (i) perform any of the obligations of the Mortgagor under the Amended Mortgage or the loan agreement between the Mortgagor and the Mortgagee;
 - (ii) perform any financial obligations of the Mortgagor under the Hotel Management Agreement referred to in Section 22.09 of the Ground Lease;
 - (iii) subordinate its right to receive rent and other sums payable to the Lessor under the Ground Lease, to amounts payable to the Mortgagee; and
 - (iv) pay any monies under the Hotel Management Agreement, referred to in Section 22.09 Of the Ground Lease, except as the Lessor and the Mortgagee may agree.
6. The Lessor acknowledges that by entering into this Agreement the Mortgagee has filed with the Lessor written notice specifying an address for any notices to be given by the Lessor to the Mortgagee in accordance with Section 15.03 of the Ground Lease. The Lessor further acknowledges that notwithstanding

that the Mortgagee is not a party to the Ground Lease, the provisions of Article XV of the Ground Lease shall be enforceable by the Mortgagee.

7. The Lessor acknowledges and approves the fact that the Mortgage was entered into for the purpose of securing a loan to finance the acquisition by the Mortgagor of the Improvements and of a leasehold interest in the Leasehold Land.
8. The Lessor agrees that upon registration on title to the Leasehold Land of this agreement and the assignment of the Mortgage by CLS to the Mortgagee, CLS will be relieved and fully discharged of and from all of the covenants, agreements and obligations contained in the CLS Section 16.01 Agreement and the Lessor agrees to provide a release and discharge of the CLS Section 16.01 Agreement at the Mortgagor's expense, if so requested.
9. (a) Any notice or communication required or permitted to be given to any party hereunder shall be in writing and shall be sufficiently given if personally delivered, transmitted by telecopier (the original of such notice to follow by regular mail) or mailed by registered mail, postage prepaid, addressed, transmitted or delivered to:
 - (1) In the case of the Mortgagor/Lessee, to it at:

OGS HOTEL HOLDINGS CANADA INC.
116 King Street West
Hamilton, Ontario
L8P 4V2

Telecopier No.: 416-529-2296
Attention: The Manager

with copy sent contemporaneously to:

McMillan Binch
Barristers and Solicitors
P. O. Box 38, South Tower
Royal Bank Plaza
Toronto, Ontario
M5J 2J7

Telecopier No.: 416-865-7048

(ii) In the case of the Mortgages, to it at:

CHIGIN-SEIHO HOUSING LOAN CO., LTD.
2-6 Uchikanda, 2-Chome
Chiyoda-Ku, Tokyo 101
Japan

Telecopier No.: (813) 251-3587
Attention: Shoichi Honda
Assistant Manager
Finance Department

with a copy sent contemporaneously to:

Messrs. Fasken Campbell Godfrey
Barristers & Solicitors
37th Floor
P.O. Box 20
Toronto-Dominion Bank Tower
Toronto-Dominion Centre
Toronto, Ontario
M5K 1N6

Telecopier No.: (416) 364-7813
Attention:

(iii) In the case of the Lessor, to it at:

The City Clerk
The Corporation of the City of Hamilton
City Hall
P.O. Box 2040
71 Main Street West
Hamilton, Ontario
L8N 3T4

Telecopier No.: 1-416-546-2095

Any such notice given as aforesaid shall be conclusively deemed to have been given, if mailed, on the fifth business day following the date on which it is mailed and, if delivered or transmitted by telecopier, on the day of such delivery or transmission, if received prior to 5:00 p.m. local time on any given business day.

(b) During a general discontinuance of postal service due to a strike, lockout or otherwise any communication or notice shall only be given by personal delivery or by transmission by telecopier.

(c) Any party may at any time give written notice to each other party of any change of its address or telecopier number and from and after the giving of such notice the address or telecopier number specified shall be deemed to be the address and telecopier number of such party.

9. Each of the parties hereto covenants and agrees to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Agreement and to carry out and perform the same in accordance with its terms.
10. The parties hereto covenant and agree that this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
11. The words "Mortgagor", "Mortgagee" and "Lessor" where used herein shall include their respective successors and assigns.
12. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.
13. This Agreement shall be registered forthwith after the registration of the assignment of the Mortgage from CLS to the Mortgagee. The Mortgagor agrees to register this Agreement on title to the Leasehold Land and to provide the registered duplicate thereof to the Lessor.

- 11 -

IN WITNESS WHEREOF the parties hereto have duly
executed these presents.

GGS HOTEL HOLDINGS CANADA INC.

Per: _____
NAME: _____ c/s
TITLE: _____

Per: _____

CHIGIN-SEIHO HOUSING
LOAN CO., LTD.

Per: _____
NAME: _____ c/s
TITLE: _____

Per: _____

THE CORPORATION OF THE CITY OF
HAMILTON

Mayor _____ c/s

City Clerk _____

SLA*GOSCENT:VWRE

SCHEDULE "A"

Parcel 1-2, Section W-39(c), City of Hamilton,
Regional Municipality of Hamilton-Wentworth, being part of Lots
1 and 2 and the unnumbered lot in Block 1, Parts of Lots 1 and 2
and the unnumbered lot in the Block bounded by King, Park,
Market and MacNab Streets all according to DAVID KIRKENDALL
SURVEY registered in the Land Registry Office for the Registry
Division of Wentworth as Plan No. 39; and Part of Park Street
immediatly east of the said Block 1 (said Park Street now
closed by the City of Hamilton By-Law No. 81-14 dated December
9, 1980 and registered in the said Land Registry Office as
Instrument No., 174954C.D.) and which said parcel may be more
particularly described as all of Part 1 according to a reference
plan received and deposited in the said Land Registry Office as
Plan 62R-7454, being the whole of said parcel.

MORTGAGE AMENDING AGREEMENT

THIS AGREEMENT made the _____ day of November, 1990.

B E T W E E N:

OGS HOTEL HOLDINGS CANADA INC.
(hereinafter called the "Chargor")

OF THE FIRST PART

- and -

CHIGIN-SEIHO HOUSING LOAN CO., LTD.
(hereinafter called the "Chargee")

OF THE SECOND PART

WHEREAS by Charge/Mortgage of Land dated the 20th day of August, 1990 and registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) on the 20th day of August, 1990 as Instrument No. LT285786 (the "Charge"), the Chargor granted and charged to Century Leasing System, Inc., upon the terms therein mentioned, its leasehold interest in the following lands:

Parcel 1-2, Section W-39(c), City of Hamilton,
Regional Municipality of Hamilton Wentworth as more
particularly described in Schedule "A" attached
hereto.

AND WHEREAS Century Leasing System, Inc. transferred the Charge to the Chargee by a Transfer of Charge registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) as Instrument No. _____.

AND WHEREAS the Charge provided that interest shall be payable on any sum secured thereby on the date such sum is due and through inadvertence, the frequency of calculation of such interest was omitted.

AND WHEREAS the Chargee has requested and the Chargor has agreed to amend the Charge to provide for the frequency of calculation of interest and to make further and other minor amendments to the Charge.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of Two Dollars (\$2.00) paid by the Chargee to the Chargor, the receipt and sufficiency whereof is hereby acknowledged.

1. The parties agree that paragraph 2 on page 2 of the Charge under the caption "Proviso" be deleted and the following be substituted therefor:

Proviso. This Charge shall be due and payable on demand. PROVIDED this Charge to be void upon payment of the said indebtedness as and when the said indebtedness shall become due and payable, with interest after default in payment thereof at the rate of interest applicable to the said indebtedness as aforesaid, and upon the observance and performance of all covenants, provisos and conditions herein contained. It is agreed that nothing herein contained

- 2 -

shall operate so as to create any merger, rebate or discharge of any debt owing to the Chargee or of any lien, bond, promissory note, bill of exchange or other security held by or which may hereafter be held by the Chargee from the Chargor or from any other person or persons whomsoever, and these presents shall not in any way prejudicially affect any security held or which may hereafter be held by the Chargee for the said Indebtedness or any part or parts thereof or the liability of any endorser or any other person or persons upon any such lien, bond, bill of exchange, promissory note or other security or contract or any renewal or renewals thereof held by the Chargee for or on account of the said Indebtedness or any part or parts thereof, nor shall the remedies of the Chargee in respect thereof be prejudiced or delayed in any manner whatsoever by the taking of this Charge.

2. The parties agree that paragraph 11 on page 5 of the Charge under the caption "Taxes" be deleted and the following be substituted therefor:

Taxes and Statute Labour. The Chargor covenants that it will pay or cause to be paid all taxes, charges, rates and other impositions whatsoever and perform and complete any statute labour, already charged or hereafter to be charged by any authority on the Mortgaged Property as and when they shall fall due and that it will within one month from the date fixed for the payment of the last instalment of such taxes, charges, rates and other impositions for the year, or the date fixed for completion of such statute labour, produce to the Chargee, upon the request of the Chargee, evidence that the same have been paid or completed. If the Chargor should neglect to pay or cause to be paid all such taxes, charges, rates and other impositions, or neglect to complete or cause to be completed such statute labour, the Chargee shall be entitled, but shall not be obligated, to pay such taxes, charges, rates and other impositions or complete or cause to be completed such statute labour, and such payments for taxes, charges, rates and other impositions or statute labour shall be secured by this Charge and be repaid by the Chargor forthwith on demand by the Chargee and, in default thereof, shall bear interest at the rate herein provided and shall be added to the said Indebtedness.

3. The parties agree that paragraph 29 on page 10 of the Charge under the caption "Payment of Interest" be deleted and the following be substituted therefor:

29. Events of Default. Each of the following events constitutes a default:

(a) the Chargor fails to make payment in full of the Indebtedness after demand for payment;

(b) the Chargor commits a breach of, or fails to observe or perform, any covenant, representation or warranty under this Charge or any other agreement from time to time in effect between the Chargor and the Chargee, or if any representation or warranty of the Chargor contained in this Charge or in any other agreement from time to time in effect between the Chargor and the Chargee, shall prove to be false or incorrect in any respect; and

(c) an event of default occurs as may be defined in any agreement from time to time in effect between the Chargor and Chargee.

- 3 -

4. The parties agree that the partial paragraph on page 11 of the Charge preceding paragraph 33 on page 11 of the Charge under the caption "Reading" be deleted and the following be substituted therefor:

32. Rights in Addition. The right, remedies and powers conferred by this Charge, are in addition to, and not in substitution for, any other rights, remedies or powers the Chargee may have under this Charge at law, in equity or by or under any statute and such remedies shall be cumulative and may be pursued separately, successively or concurrently at the sole discretion of the Chargee. No right, remedy or power of the Chargee shall be exclusive of or dependent on any other and the exercise or failure to exercise any of the same shall not constitute a waiver or release thereof or of any other right or remedy.

5. The parties agree that paragraph 34 on page 11 of the Charge under the caption "Interest on Sums Secured" be deleted and the following be substituted therefor:

34. Interest on Sums Secured. Interest shall be payable at the rate provided herein, calculated half-yearly, not in advance, on any sum secured hereby from the date such sum is due and payable until it is fully paid and such interest shall be compounded and itself bear interest at the same rate and in the same manner as any sum secured hereby, if not paid prior to the next date for calculation of interest. All such interest and compound interest shall be a charge upon the Mortgaged Property.

6. Except as amended by the terms of this agreement the parties hereto confirm all other covenants, terms and provisos of the Charge shall remain in full force and effect.

7. This agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

8. This agreement shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective seals, duly attested to by their respective signing officers in that behalf, as of the date first above written.

OGG HOTEL HOLDINGS
CANADA INC.,

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

CHIGIN-SEINO HOUSING
LOAN CO., LTD.

By: _____
Name: _____
Title: _____

SLA-MTGAMEND:VWRE

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEETERMS OF REFERENCE

The mandate of the Committee is to advise the Planning and Development Committee on planning matters relating to the Central Area. Including:

- The Central Area Plan. Its update and revision;
- Strategies for implementing the policies of the Central Area Plan;
- Acting as a sounding board for development proposals;
- Co-ordinating initiatives in the Central Area;
- Monitoring Central Area matters;
- Supplying representatives to other committees to give a Central Area point of view.

Administrative

- The committee will be made up of representatives of organizations and individuals who together form a knowledgeable and balanced group.
- Changes in membership will be submitted by CAPIC to the Planning and Development Committee for approval.
- A Chairperson and Vice-Chairperson will be elected by CAPIC.
- The Planning and Development Department will be responsible for co-ordinating the Committee.

Background

- The Central Area is identified as the area bounded by Queen Street, Victoria Avenue, the Escarpment and the Bay.
- During 1979 and 1980, the Central Area Plan Advisory Committee prepared the Central Area Plan.
- In 1981, City Council adopted the plan.
- In 1983, City Council identified the need for a policy-oriented committee to implement the plan.

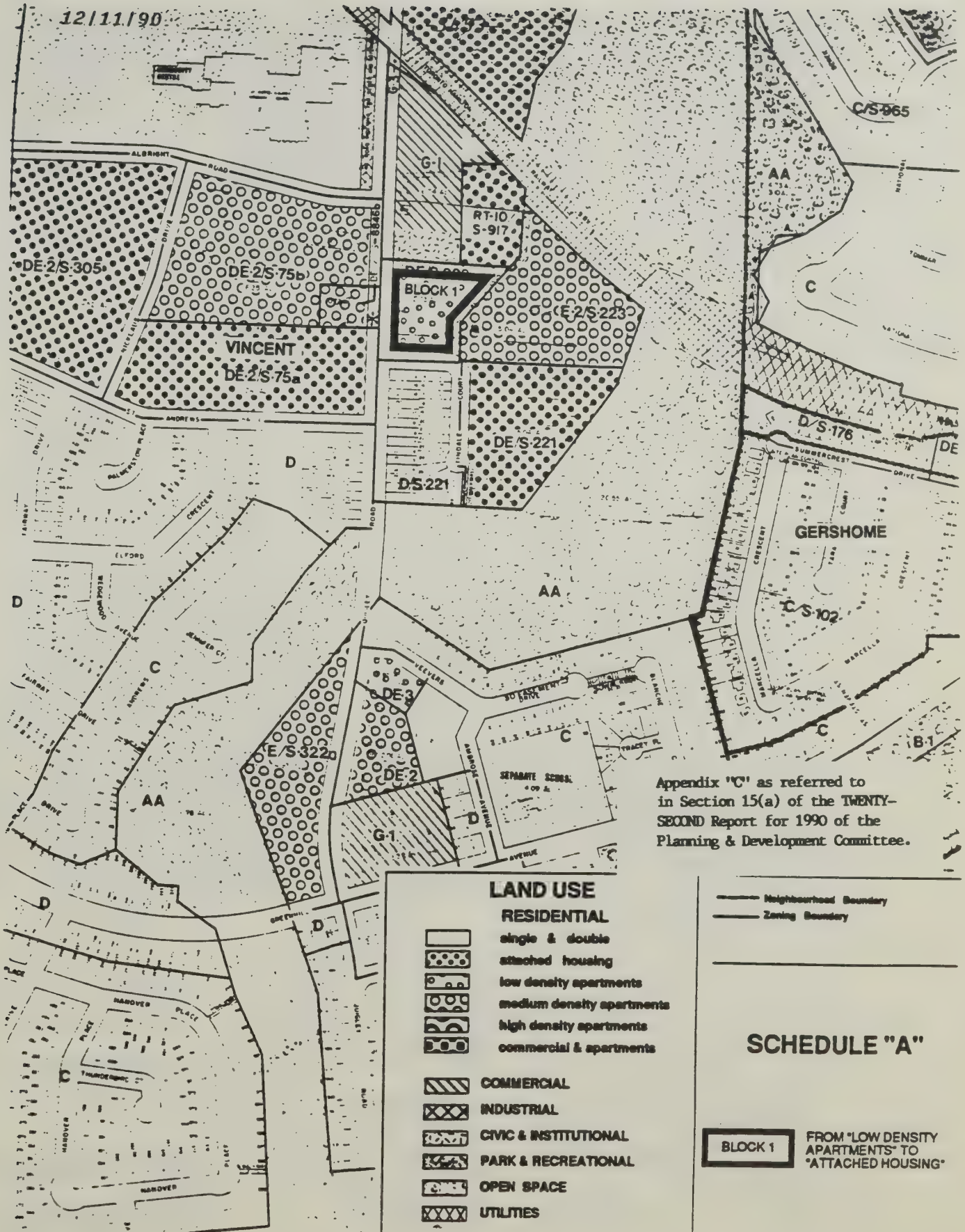
Appendix "B" as referred to in Section 14 of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.

- The Central Area Plan Implementation Committee (CAPIC) was formed by Council in February, 1984, to concentrate on policy issues and their implementation.
- Since 1984, CAPIC has undertaken a major review of the Central Area Plan.
- Additionally, CAPIC has provided advice to the Planning and Development Committee on an ongoing basis.
- In 1988, City Council approved the revised Central Area Plan and it is in the process of being incorporated into the Official Plan.

MD/dkp
A:\TERMSREF.

November 1990

12/11/90



Appendix "C" as referred to in Section 15(a) of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL

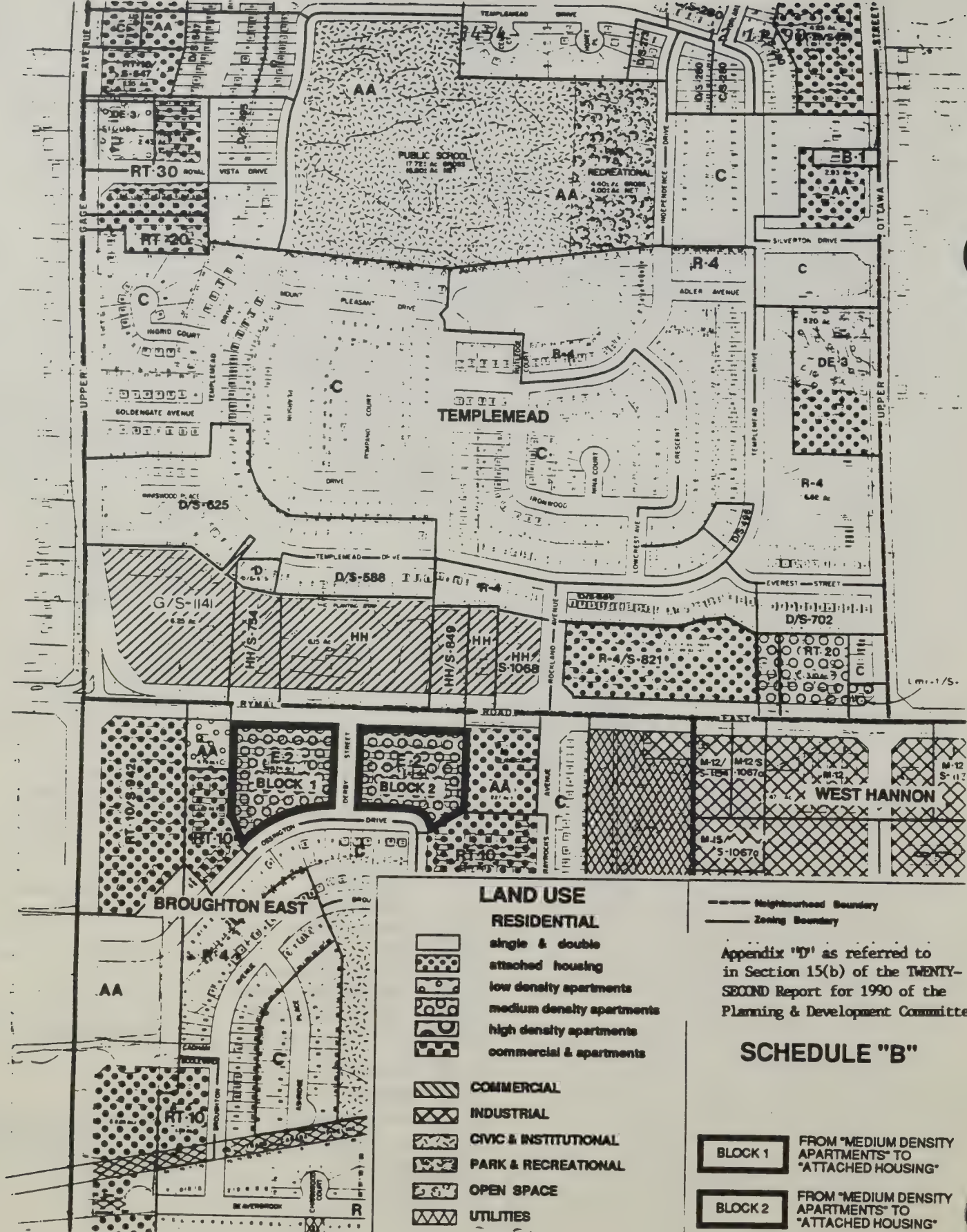
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

SCHEDULE "A"

BLOCK 1

FROM "LOW DENSITY APARTMENTS" TO "ATTACHED HOUSING"



12/11/90



Appendix "E" as referred to in Section 15(c) of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

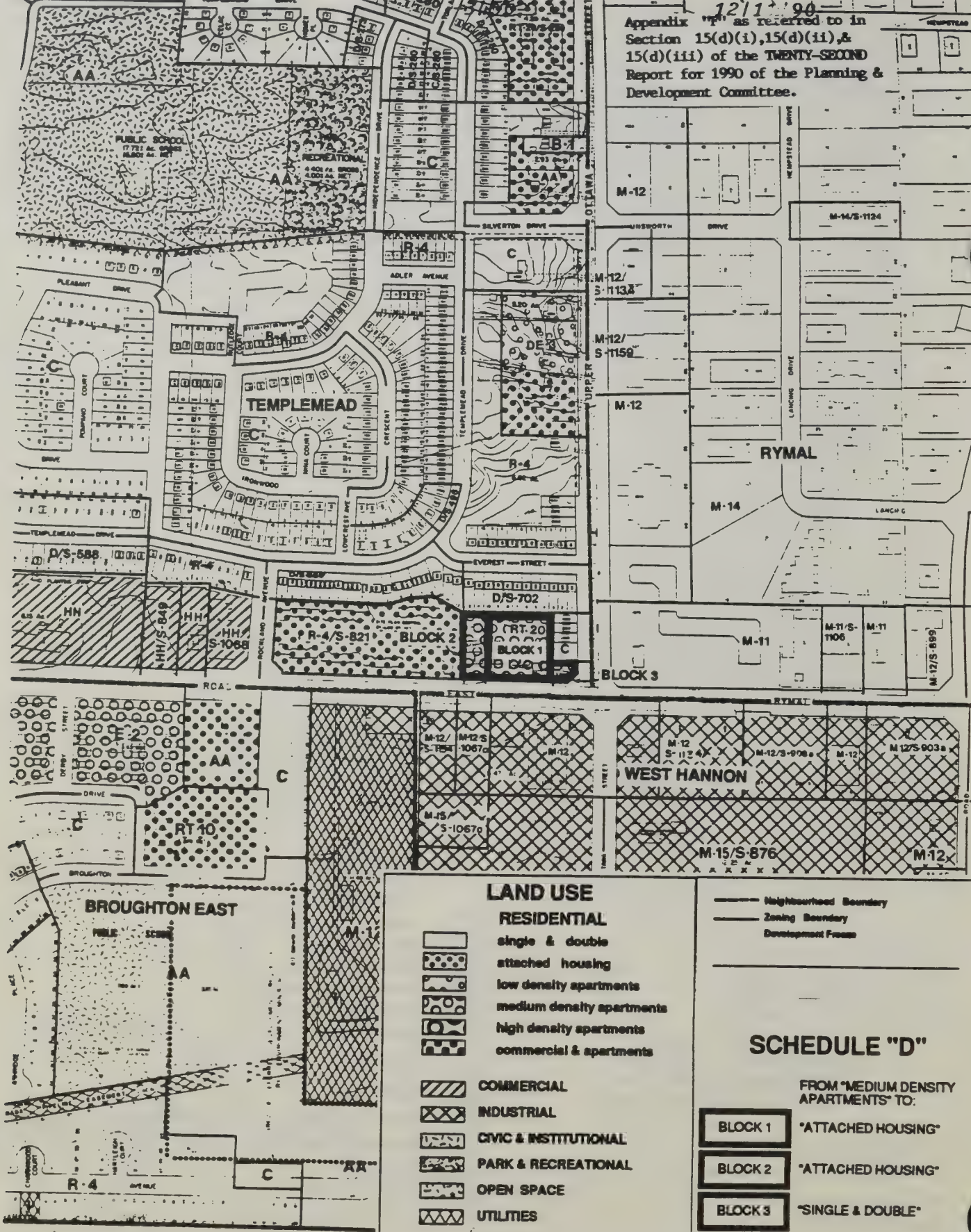
Neighbourhood Boundary

Zoning Boundary

SCHEDULE "C"

BLOCK 1

FROM "LOW DENSITY APARTMENTS" TO "ATTACHED HOUSING"



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

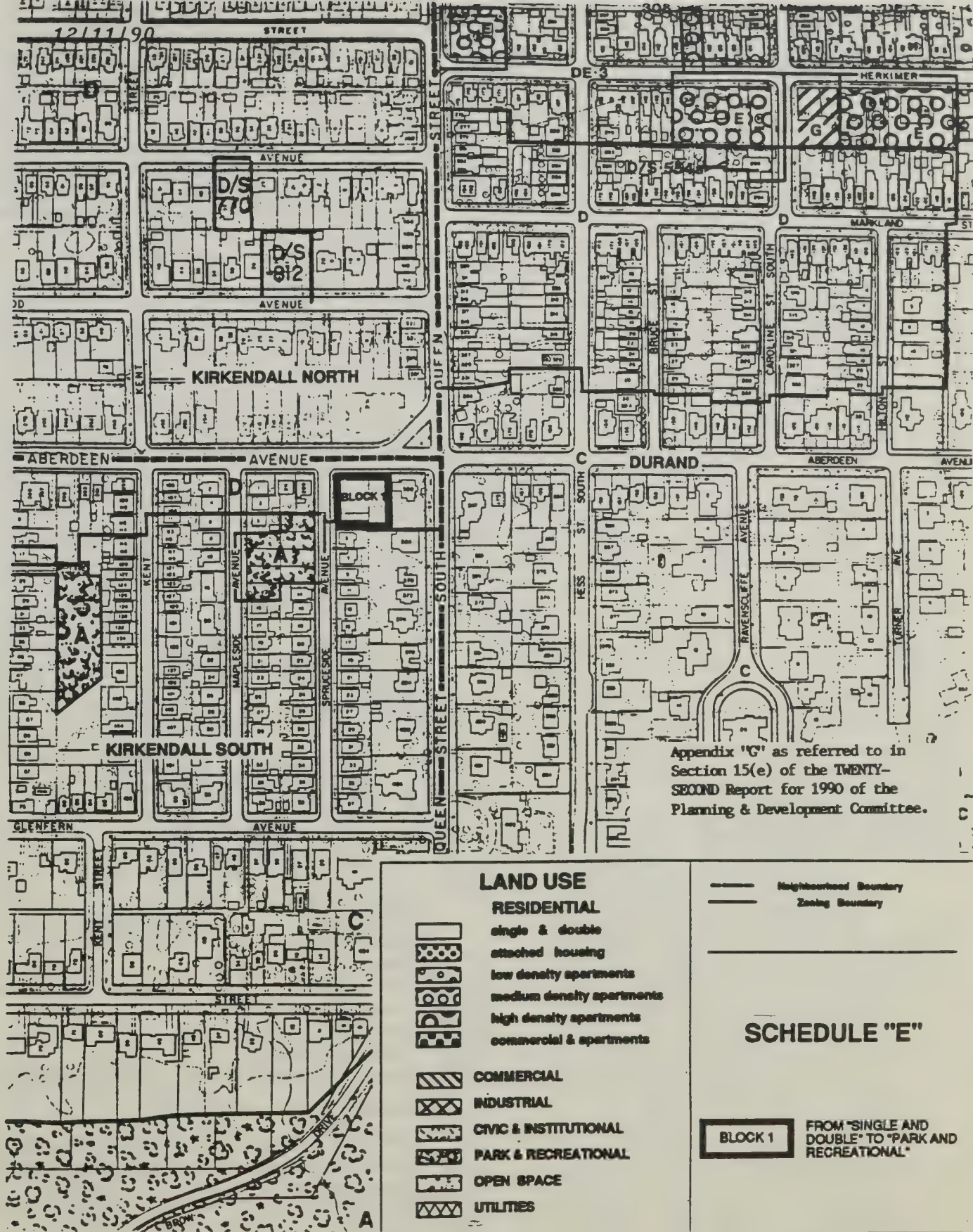
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary
- Development Frame

SCHEDULE "D"

FROM "MEDIUM DENSITY
APARTMENTS" TO:

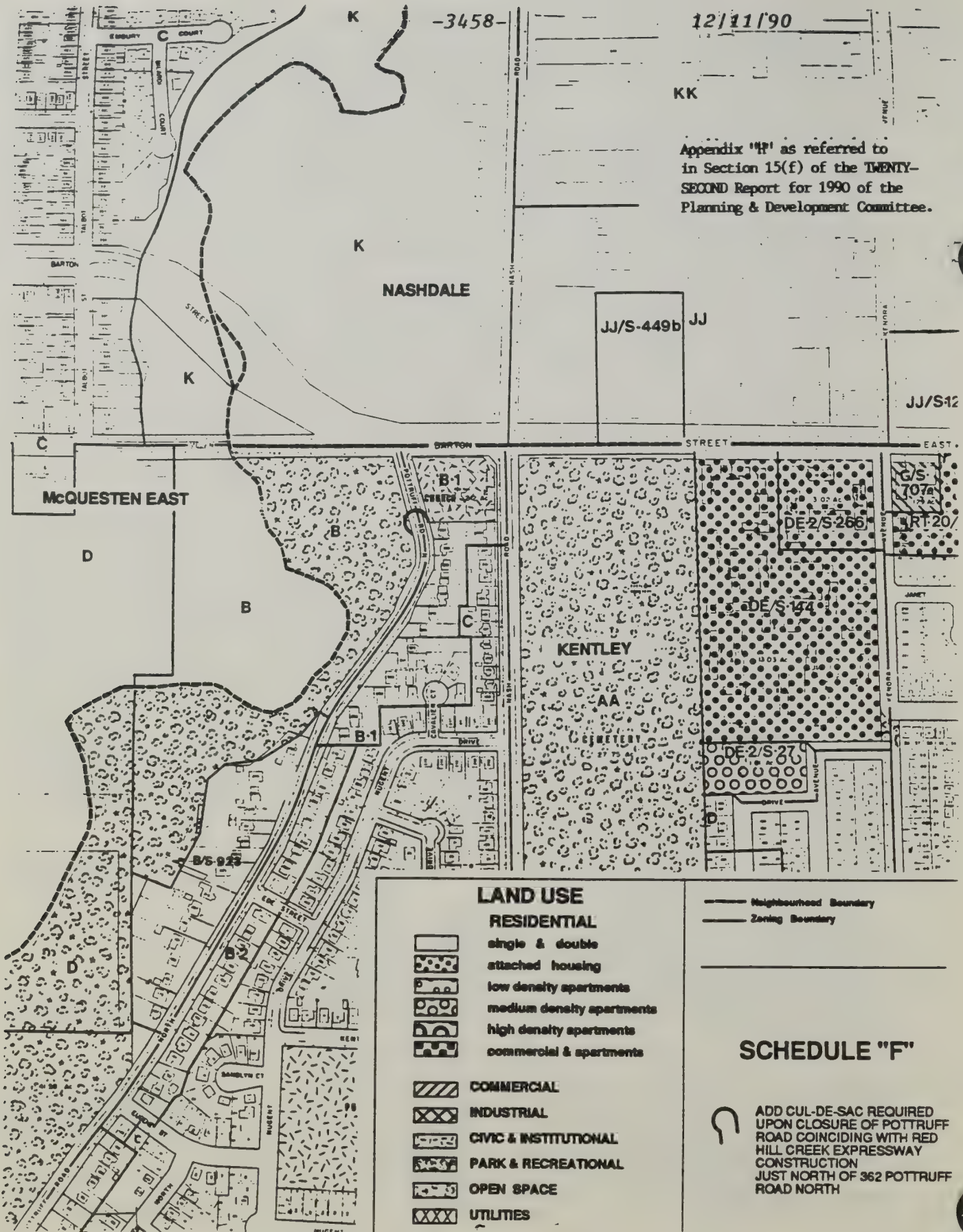
- BLOCK 1** "ATTACHED HOUSING"
- BLOCK 2** "ATTACHED HOUSING"
- BLOCK 3** "SINGLE & DOUBLE"



Appendix "G" as referred to in Section 15(e) of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.

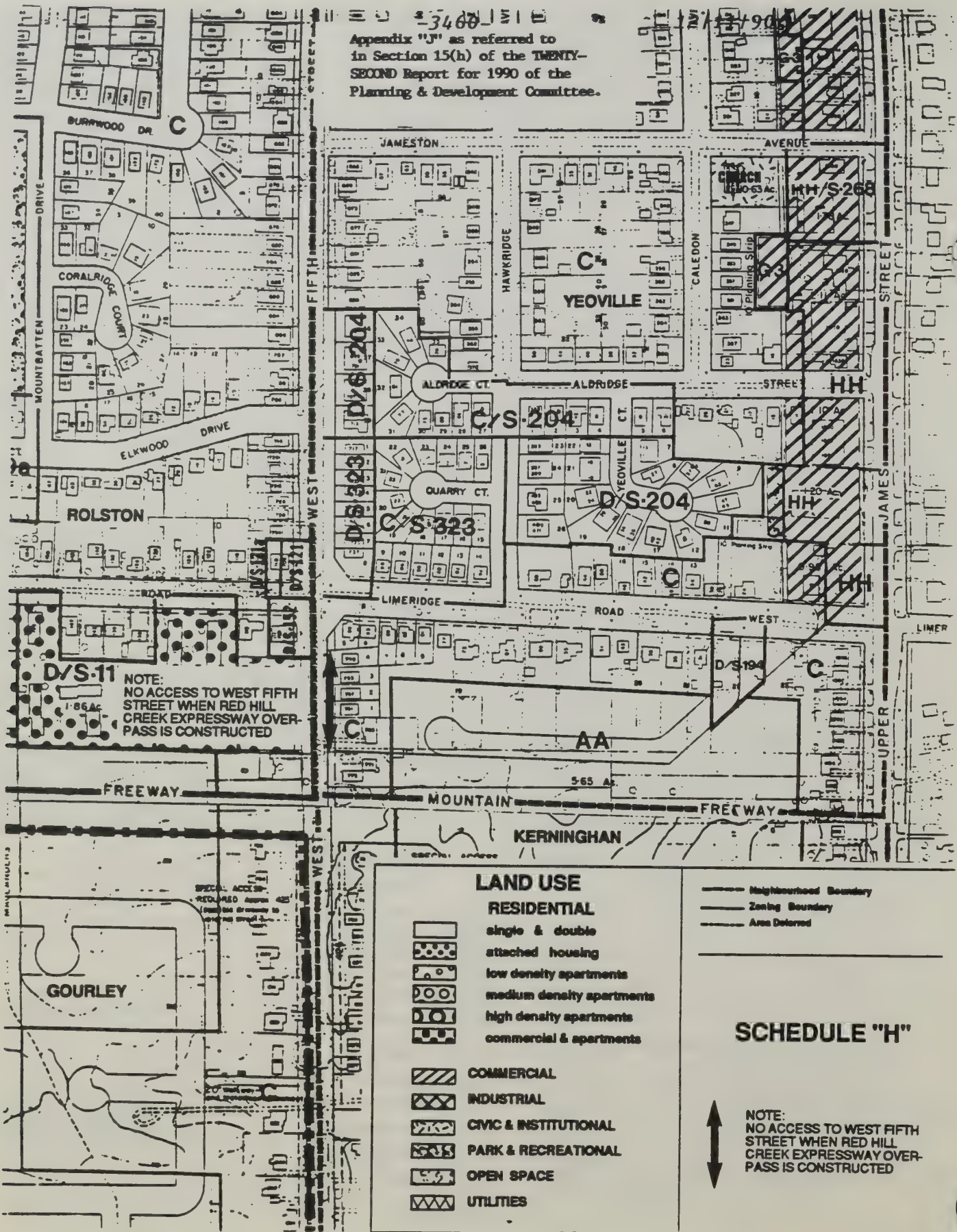
KK

Appendix "H" as referred to in Section 15(f) of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.





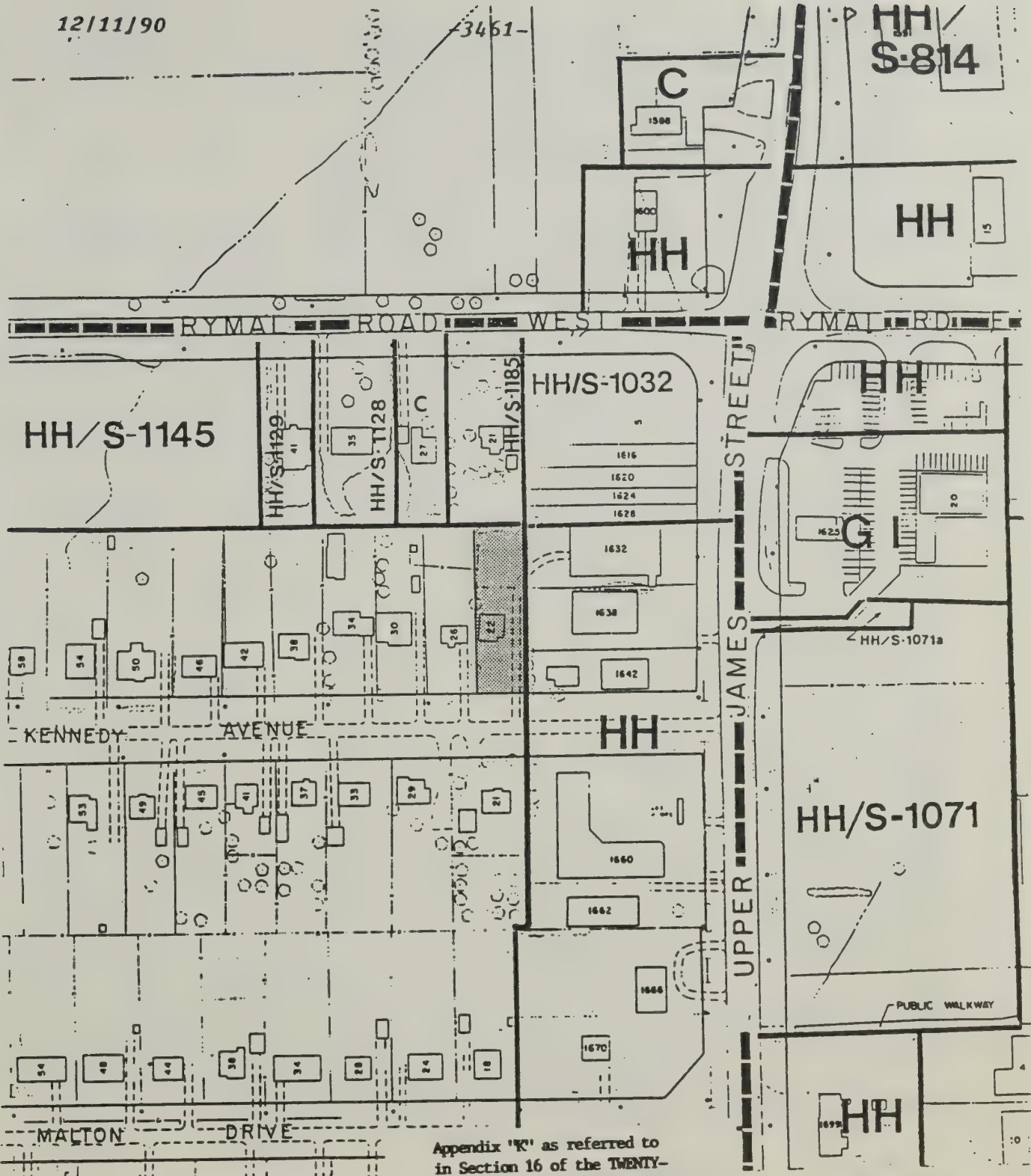
Appendix "J" as referred to in Section 15(h) of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.



12/11/90

3461-

HH
S-814

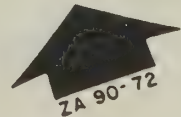


Legend



Site of the Application

Appendix 'K' as referred to
in Section 16 of the TWENTY-
SECOND Report for 1990 of the
Planning & Development Committee.

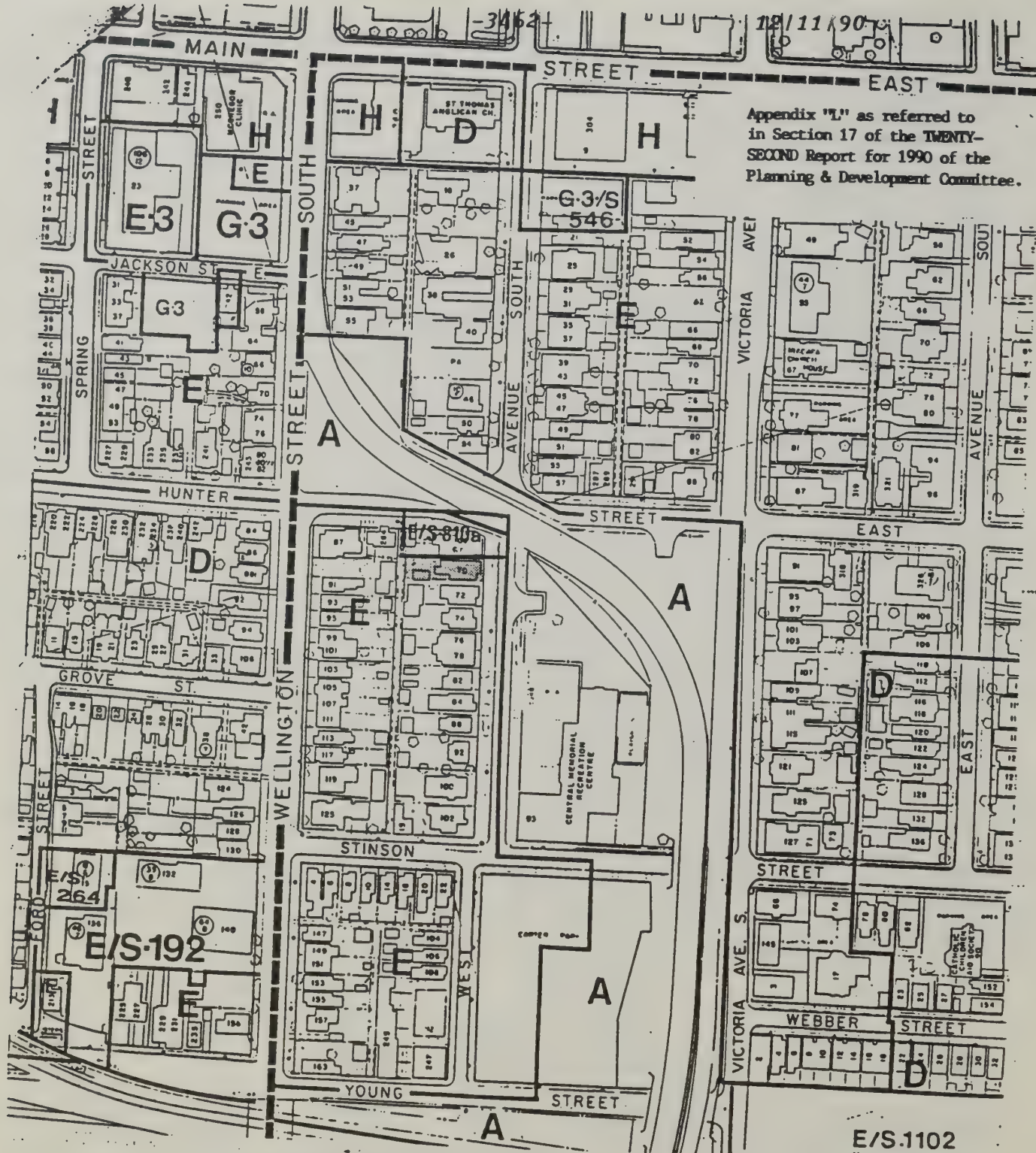


APPENDIX A

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-3462-

Appendix "I" as referred to in Section 17 of the TWENTY-SECOND Report for 1990 of the Planning & Development Committee.



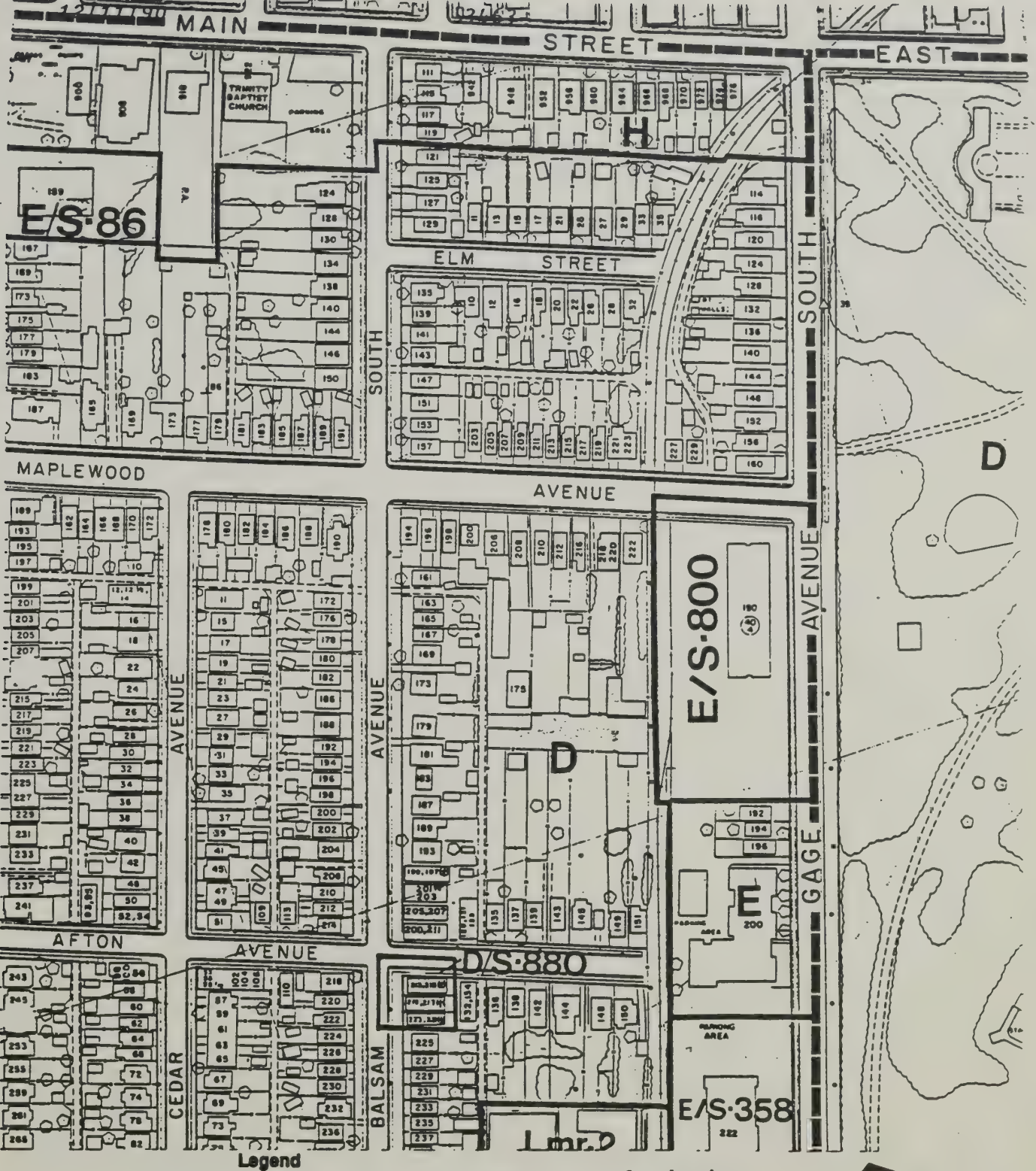
LEGEND



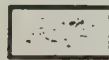
SITE OF THE APPLICATION



APPENDIX A



Legend



Site of the Application

Appendix 'M' as referred to in
Section 18 of the TWENTY-SECOND
Report for 1990 of the Planning
& Development Committee.



APPENDIX A

12/11/90

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its **EIGHTH** Report for 1990 and respectfully recommends:

1. That the Cab Driver Licence renewal of Raphael J. Kolenko, 1270 Maple Crossing Boulevard, #1809, Burlington, be denied until 1991 August 14, being one year from the date of the applicant's latest driving conviction.

NOTE: For the information of members of City Council, Mr. Kolenko's Cab Driver's Licence was originally suspended by City Council on 1989 December 13 due to the applicant's extensive driving record. Mr. Kolenko subsequently reapplied for his Cab Driver Licence on 1990 June 13 at which time City Council, on the recommendation of the Licensing Committee, denied issuance of the Licence until 1990 September 1. Issuance at that time was to be contingent upon the applicant committing no further driving infractions in the meantime. Since that date, further driving convictions were recorded against Mr. Kolenko. The Licensing Committee, therefore, agreed on October 24 to recommend further denial of this licence for a one-year period from the date of the applicant's latest driving conviction.

At the request of Mr. Kolenko, the Licensing Committee granted Mr. Kolenko a rehearing on 1990 November 28, following which, they reiterated their earlier decision to recommend denial of Mr. Kolenko's licence for a one-year period from the date of the applicant's latest driving conviction on the grounds of the applicant's extensive driving record.

Further information can be obtained from the Secretary.

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2. That the Cab Driver Licence of Harvey Rooke, 1510 Barton Street East, Hamilton, be suspended and a restriction imposed preventing the applicant from reapplying for such licence until six months from the date of reinstatement of his Provincial driving licence.

NOTE: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 November 28, held a Show Cause Hearing and recommended that the foregoing Cab Driver's Licence be suspended and that the applicant not be allowed to reapply for a six-month period from the date of reinstatement of his Provincial Driver's Licence.

Further information can be obtained from the Secretary.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE
CHAIRMAN
LICENSING COMMITTEE**

Stella Glover
Secretary

November 28, 1990

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REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his **FIFTH** Report for 1990 and respectfully recommends:

1. That the Council of the Corporation of the City of Hamilton adopt 1991 as the Year for Racial Harmony in the City of Hamilton.
2. That the Mayor's Race Relations Committee be granted permission to participate in the Year for Racial Harmony Relay in 1991.

NOTE: For the information of Members of City Council, the Year for Racial Harmony Relay Project was initiated by the City of Toronto in 1989. The City of North York took up the baton by declaring 1990 as their "Year for Racial Harmony". The Mayor's Race Relations Committee therefore recommended at their meeting of 1990 October 12 that the City of Hamilton declare 1991 as the "Year for Racial Harmony in the City of Hamilton".

The proposed theme for the year is "Together We Are The One" and some suggested projects include:

January 13	Martin Luther King Memorial Service at St. Paul Ecumenical Church.
February 12	Black History Display at City Hall.
February 27	Seminar "Good Race Relations Makes Good Cents".
March 21	International Day for the Elimination of Racial Discrimination.
April 17	Forum on Inter-marriage - Differences/Similarities and a play - "Theatre Company of Sirens".
May 26	Race Relations/Policing

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June

Community Caravan

July

Race Relations and Media

Funding for these activities will be taken from Federal funds.

RESPECTFULLY SUBMITTED

**Mayor Robert M. Morrow
Co-Chairman
Mayor's Race Relations Committee**

1990 November 16

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REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTY-SEVENTH** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Servicemaster Contract Services, Burlington, in the amount of \$23 941.25, being the lowest of two (2) quotations received, to clean and seal thirteen (13) indoor pools, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from Operating Supplies Account No. CH56103 31330.
2. (a) That a purchase order be issued to C. E. Hickey & Sons Co. Limited, Hamilton in the amount of \$705 017.65, being the lowest acceptable of three (3) proposals received, for the replacement of One (1) 100 foot Aerial Ladder Truck, Unit #1635 for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal, and that this expenditure be financed from Vehicle Replacement Account #CH5X502 00101.

(b) That a contract be entered into satisfactory to the City Solicitor.
3. (a) That a purchase order be issued to Contran Manufacturing, London, in the amount of \$107 998, to replace Fire Package Bodies on two Triple Combination Pumpers for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed from the Reserve for Major Vehicle Repairs Account No. CH25200 00103.

(b) That a contract be entered into satisfactory to the City Solicitor.
4. That permission be granted to hold the City Hall Christmas Carol Program on the second floor foyer of City Hall on Friday, 1990 December 21 from 9:00 o'clock a.m. to 10:30 a.m.

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5. That permission be granted to the Women's Inter-Church Council to use the Council Chamber from 7:30 p.m. to 8:30 p.m. and Room 219 from 6:30 p.m. to 9:30 p.m. for their annual World Day of Prayer service on Friday, 1991 March 1.
6. That the request of the Hamilton Safety Council for permission to hang their Presidents' Plaque in City Hall be approved.
7. That the salary classifications for the following non-union positions in the Treasury Department be approved in accordance with the recommendation made by City Core Group.

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Manager of Internal Controls/Property/Taxation Project Co-ordinator	Perform an independent function within the City's organization to examine and evaluate its activities as a service to management; thus providing information about the adequacy and effectiveness of the organization's internal control and performance. Temporarily assigned responsibility for the co-ordination and direction of the implementation of a Realty and Business Taxation System capable of meeting the current and future requirements of the City and other users. *As of January 1, 1993 the position reverts to salary grade "H".	G*	\$55,823.56 - \$65,796.64
Financial Analyst	Assist in performing an independent appraisal function to examine and evaluate and provide information concerning the adequacy and effectiveness of the organization's internal control and performance.	L	\$39,040.04 - \$45,972.16
GST Financial Analyst	Research, analyze, recommend and implement policies and procedures related to the GST scheduled to be effective 1991 January 1 for a six month period.	N	\$33,932.08 - \$40,013.48

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8. That the salary classification for the following non-union position in the Mayor's Office be approved in accordance with the recommendation made by City Core Group members.

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Administrative Assistant II	To establish Mayor's Agenda and assist Mayor's staff in most aspects of office operations.	O	\$30,526.60 - \$35,877.92

9. That the salary classifications for the following non-union position in the Culture & Recreation Department be approved in accordance with the following recommendation.

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Communications Co-ordinator	To promote internal and external communications through research, fund-raising, and development of marketing strategies.	K	\$42,566.68 - \$50,107.20
Curatorial Assistant	To assist in the preservation, security and safety of the museums' collection and buildings.	O	\$30,526.60 \$35,877.92

10. That the Appointments To and Terminations from Permanent positions with the Corporation to 1990 November 23, attached hereto and marked Appendix "A", be approved.
11. That the additional funding for the City's share of services to be installed in Highridge Estates - Stage 2 for \$200 and Highridge Hills - Stage 2 for \$2 200, in the gross amount of \$2 400, as referred to in Section 7 of the Seventeenth Report of the Transport and Environment Committee, be financed from the Reserve for City's Share of Services Through Unsubdivided Lands.
- *12. That the designation "Law Department" be adopted and circulated to all City departments for uniform reference.

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13. (a) That City of Hamilton By-law No. 89-249 Regulating Taxicabs be amended to permit taxi meters to be adjusted to include the Goods and Services Tax at the applicable rate as it exists from time to time, and that the total payable, inclusive of the fare and the Goods and Services Tax, may be rounded to nearest \$0.10.
 - (b) That where a taxi meter has been adjusted to include the Goods and Services Tax in the total payable that the Taxi Tariff Card be amended.
 - (c) That the City Solicitor be authorized and directed to prepare a by-law to amend By-law No. 89-249 (Taxicabs and Livery Vehicles) to reflect the foregoing for submission to City Council concurrently with the recommendations.
-
14. That the request for a grant in the amount of \$22 500 to be used to offset expenses associated with the President's Dinner and Citation Awards to be provided during the Canadian Country Music Week Convention to be held in the City of Hamilton at the Hamilton Convention Centre 1991 September 10 - 16, be denied.

NOTE: At its meeting 1990 November 27, City Council referred back Section 11 of the Twenty-Sixth Report of the Finance and Administration Committee which recommended approval of the above grant for further review.

The above recommendation is consistent with the General Criteria for the consideration of grants which states: "consideration will not be given to a similar application which has also been submitted to the Regional Municipality of Hamilton-Wentworth."

In this regard, the Region, through its Economic Development Department, has committed \$20 000 toward this Convention.

- *15. (a) That, as recommended by the Alliance for the Preservation of English in Canada, Hamilton Branch, the "English Sub-Committee" the establishment of which was approved by City Council 1990 October 9, be officially recognized as the "English Language Sub-Committee".
- (b) That the English Language Sub-Committee be composed of six (6) English speaking citizens of any ethnic background and one (1) Member of City Council, and that the Sub-Committee report to the Finance and Administration Committee.

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- (c) That the English Language Sub-Committee provide a liaison between the City of Hamilton and the English speaking community by looking into the English speaking situation with the authority to recommend solutions and means of action regarding the problems encountered by Hamilton's English speaking community.

NOTE: At its meeting held 1990 October 9 City Council, on the recommendation of the Finance and Administration Committee, approved of the establishment of an English Sub-Committee to represent Hamilton's English speaking community. The Finance and Administration Committee advised that it would report back to City Council on the composition and terms of reference of the new Sub-Committee. The above recommendations are consistent with the terms of reference for the French Sub-Committee.

- 16. (a) That a sub-committee, composed of three (3) Members of City Council, be appointed to receive input from the Tow-Truck Industry, the Hamilton-Wentworth Regional Police and other interested groups or individuals respecting this issue at a Public Meeting to be held in January of 1991.
 - (b) That the City Solicitor be authorized and directed to prepare a draft by-law respecting the licensing and regulating of the Tows-Truck Industry for consideration at the Public Meeting.
- 17. (a) That the following composition for the Advisory Committee on Equitable Representation on Committees, Boards and Commissions be approved:
 - (i) Members of the Sub-Committee to Review the Visible Minority Survey consisting of:
 - (i) Alderman D. Agostino, Chairman
 - (ii) Alderman M. Kiss
 - (iii) One additional Member of City Council (optional)
 - (iv) Mr. Michael Webber, Chairman of the Mayor's Race Relations Sub-Committee on Commissions and Committees
 - (v) Mr. Tyrone Childs, member of the Mayor's Race Relations Committee
 - (ii) One representative from the Hamilton Status of Women Sub-Committee.
 - (iii) One representative from the Regional Advisory Committee for the Disabled.

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(iv) Three members from the community at large.

(b) That the City Clerk be directed to advertise for three citizen members for the Advisory Committee in The Hamilton Spectator, Brabant and the larger ethnic newspapers.

18. That the following resolution concerning a comprehensive nuclear test ban be endorsed:

WHEREAS negotiation of a comprehensive nuclear weapons test ban is the single most important step which could now be taken to prevent nuclear war, as well as to create a political climate favourable for further multilateral disarmament agreements, and

WHEREAS the City of Hamilton expects the Government of Canada to provide the leadership of a nation committed to peace;

THEREFORE be it resolved that Hamilton City Council urge the federal government to actively support negotiations for a comprehensive nuclear weapons test ban in every appropriate international forum, including the United Nations and the Conference on Disarmament.

19. (a) That the City lease the lands located at 22 and 30 Bay Street South, Hamilton, plus 191 King Street West, Hamilton, from Leggat Investments Limited and Oakland "6" Limited for the purpose of providing public parking under the management of the Parking Authority, at a rate of \$197 000 per annum (net) for an initial fixed term from 1991 February 1 to 1991 November 30 with the right to renew, subject to OMB approval, for an additional term of four years and two months expiring on 1996 January 31. Lease is to include terms and obligations provided for in the Offer to Lease negotiated by the Hamilton Parking Authority, attached hereto as Appendix "B".
- (b) That the Mayor and City Clerk be authorized to execute the amending Schedule "C" in the form attached hereto as Appendix "C" to amend the said Offer to Lease to provide for the proposed leasing upon the above terms.
- (c) That the City Solicitor be authorized to apply to the Ontario Municipal Board for approval of the proposed lease renewal term of 1991 December 1 to 1996 January 31.

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20. That the City of Hamilton lease back the land located at the intersection of Main and Hughson Streets, presently known as Carpark #59, once this parking lot becomes the property of the DeSantis Group Inc., this lease to cover the period from the closing of the sale of the land (1990 December 3) until the commencement of construction on the site (1991 May), subject to the following terms:

- (i) The City and Parking Authority shall remain in possession of the property subject to termination by either the City or DeSantis Group Inc. on sixty (60) days notice;
- (ii) DeSantis Group Inc. shall receive all gross revenues subject to the following deductions:
 - (a) 10% of the Gross Revenue as Administration Fee to the Parking Authority;
 - (b) All operating expenses, including labour, utilities, maintenance, insurance, realty taxes, and business taxes.

21. (a) That the Treasurer be authorized to implement the following user fees for services performed by the Treasury Department, effective 1991 January 1:

	<u>1990 Fee</u>	<u>1991 Fee</u>
(i) Tax Registrations	\$500.00	\$550.00
(ii) Cheques returned N.S.F. on all items		\$ 14.00

(b) That these fees be increased annually for the rate of inflation rounded to the next dollar, to offset the City's administrative and processing costs in handling these items.

22. That, effective 1991 January 1, the revisions to expenditure control for the current budget as detailed on the Schedule attached hereto and marked Appendix "D", be implemented, which in general provide:

- (a) that the departments control their accounts by total departmental budget (bottom line), with the exception of the Streets, Parks, Recreation, and Property Maintenance operations which will be controlled by function (e.g. Streets-Winter Control, Recreation-District Centres);

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- (b) that the actual expenditures, which will include under-spent and over-spent individual accounts, be reviewed and approved by the Standing Committees at the time of presentation of the departmental annual estimates;
 - (c) that, as a result of the above, transfers of appropriation normally made between accounts during the year will not be made, and Council will be reviewing budget amounts which will not have changed from the original estimates;
 - (d) for "housekeeping" amendments to the Travel and Training Courses procedures as noted on Page 2 of Appendix "D" under 3)i)a) and 3)ii);
 - (e) for clarification of monitoring of some non-department accounts, as noted on Page 4, under 5)vii);
 - (f) for an increase in the allowable limits at each stage of approval for those expenditures not covered by the purchasing procedures or other legislation as noted on Page 4, under 6);
 - (g) that the standard letter to Committee with respect to paying of holdbacks be eliminated as noted on Page 4, under 7).
23. The the following revisions to the Purchasing Policy be approved:
- (a) That the reference to Director of Purchasing be changed to Manager of Purchasing.
 - (b) That the reference to Purchasing Department be changed to Purchasing Division, Treasury Department.
 - (c) That Policy #1 be amended by deleting the word "organizations" and adding "Committees of Council".
 - (d) That the spending limits, which were approved in 1975, in Policy #3 be changed as follows:
 - i) Field Purchase Order - change from \$100 to \$200
 - ii) Issuing Purchase Orders where funds are in budget - maximum approval
 - aa) Department Head and Purchasing staff - change from \$101 to \$201 and from \$5 000 to \$15 000
 - bb) Department Head and CAO - change from \$5 001 to \$15 001 and from \$15 000 to \$25 000

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- cc) Mayor or Chairman of Standing Committee and CAO - change from \$25 000 to \$50 000
- dd) Council - change from over \$10 000 to over \$50 000
- (e) That Policy #6, Exception #2 be amended by adding "and agencies that are members of the Co-operative Purchasing Group".
- (f) That Policy #7 be amended by adding to the first paragraph "When it is decided that the City/Region will participate in a Co-operative Purchasing tender, the policy of the agency calling the Tender/Proposal/Quotation will be followed."
- (g) That Policy #9 be amended to read:

Only the Purchasing Division shall dispose of declared surplus property in the most cost efficient and effective manner after approval has been received from the Chief Administrative Officer. Any useable equipment or material must be offered, first to other user Civic/Region departments and Agencies, secondly to the Area Municipalities, and then to public agencies within the Co-operative Purchasing Group. If there is still property to be disposed of it can be sold through sealed bids or public auction. If it is not sold or disposed of in any of the above, it shall be declared scrap and disposed of accordingly.

No employee or elected official shall bid on the sale of goods except those disposed of by public auction or by sealed bids.

No employee of the City, working at the auction, shall bid for any such items.
- (h) That Policy #13 Local Preference buying not be amended.
- (i) That the Procedures for Construction and Demolition Contract Requirement, attached hereto and marked Appendix "E", be approved as amended. See *'s and notes.
- (j) That the following be added to Policy #3
 - i) The amounts stated are to be increased annually in accordance with the Consumers' Price Index and rounded to the nearest \$1 000, except for d) i) which shall be to the nearest \$100.

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24. That the expenditure and revenue accounts related to parking meters, namely:

1)	CH 5XXXX-25325	Parking Meter Collection - Treasury	\$117,920
2)	CH 5XXXX-75915	Parking Meter Maintenance - Traffic	139,780
3)	CH 4XXXX-75925	Revenue - On-Street Meters - Traffic	(600,850)
4)	CH 44041-25325	Meter Collection Fee - Treasury	(54,940)
5)	CH 54119-23000	Provision for Off-Street Parking - Finance	<u>398,090</u>

Net Transfer	<u>0</u>
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be transferred as at 1991 January 1 to the accounts of the Parking Authority for the administrative purposes of:

- i) consolidating these accounts under one cost centre in the Parking Authority budget, inasmuch as the Parking Authority's Reserve for Off-Street Parking receives the net revenue from this operation;
 - ii) providing the Parking Authority with access to the monitoring of these accounts on an on-going basis, and allowing them and other users to review the results of all parking meter operations which affect the Reserve;
 - iii) simplification of stock control (meter parts) in the Traffic Department by eliminating the need to separate the on-street and off-street stock as is presently the case.
- (b) That is is understood the responsibility for policies relating to the placing or removal of meters from any location will remain with the Traffic Department through reporting to the Transport and Environment Committee of the City or to the Engineering Services Committee of the Region.

25. (a) The the Summary of Capital Projects in Progress as at 1990 September 30, attached hereto as Appendix "F", be received for information.

(b) That the following projects are being removed from this Status Report because they have been satisfactorily completed and, will be deleted from the Treasurer's records as 1990 December 31:

<u>No.</u> (1)	<u>Description</u> (2)	<u>Gross Cost</u> (3)
32	New Computer Workstations	\$ 75,000
34	Replacement of Rink Slab & Boards-Mountain Arena	496,000
41	H.S.P.C.A. Capital Grant	282,000

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320	Sir Winston Churchill Centre-Filtration System	150,000
367	Sackville Hill Park - Pave Parking Lot	60,000
383	Bow Valley Creek - Alterations	60,000

- (c) That the following previously approved projects, which have not been proceeded with for various reasons, be cancelled and deleted from the status report:

<u>No.</u> (1)	<u>Description</u> (2)	<u>Gross Cost</u> (3)
2	Ceramic Belting Replacement and Window Repair - City Hall	\$ 40,000
45	Major Upgrading of City Hall - Needs Study	100,000
213	Parking Authority - John/Rebecca Decking	2,600,000
215	Parking Authority - King William/Mary Decking	100,000

26. That Hamilton City Council support the plan of the City of Toronto Safe City Committee to ask the Federal Government to establish a Royal Commission on violence against women.
- *27. (a) That, consistent with the current procedure respecting the selection of citizen members to various Committees, Boards and Commissions, the City Clerk be authorized to publish a public notice inviting citizens of the community to submit their name to serve on the Hamilton Harbour Commission as the Federal Government's appointee.
- (b) That from the applications received, and as a result of interviews conducted by the Finance and Administration Committee, the applicants be short listed for Council's approval and forwarded to the Federal Government as nominees of Hamilton City Council to be considered for appointment to the Hamilton Harbour Commission.
- (c) That a formal invitation be extended to the three (3) local members of the Federal Government to meet with the Finance and Administration Committee at their convenience to discuss the composition of the Hamilton Harbour Commission.
28. (a) That the City of Hamilton offer to settle Ontario Court of Justice (General Division) Action No. 4371/84 by the payment of \$28 000 inclusive of pre-judgment interest, legal costs and disbursements to the Plaintiffs, James Morris, Sandra Morris and Jonathan Morris.

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- (b) That the Plaintiffs, James Morris, Sandra Morris and Jonathan Morris be required to provide a Full and Final Release to the City of Hamilton in a form satisfactory to the City Solicitor and that the Ontario Court of Justice (General Division) Action No. 4371/84 be dismissed as against The Corporation of the City of Hamilton

- 29.
 - (a) That the City agree to resolve Ontario Court of Justice (General Division) Action No. 7187/70 by the payment to the Plaintiff, Memorial Gardens (Ontario) Ltd., of the following sums:
 - (i) Damages in the amount of \$21 212.50.
 - (ii) Interest on the damages at 3% per annum calculated from 1977 August 1st to the date of payment.
 - (b) That the City obtain from the Plaintiffs a Deed to the effected property.
 - (c) That the Action be dismissed as against the City of Hamilton.

- 30. That, with respect to the City of Hamilton ats Andrea Horvath, the City resolve this compensation claim on the following terms:
 - (a) The City shall pay to Andrea Horvath the sum of \$1 616.83.
 - (b) That the City forgive rental arrears owing by Andrea Horvath in the amount of \$207.13.
 - (c) That the City shall pay legal costs to Andrea Horvath in the amount of \$500.
 - (d) That Andrea Horvath execute a Release satisfactory to the City Solicitor.

- 31.
 - (a) That the City agree to resolve Ontario Court of Justice (General Division) Action No. 3984/86 by the payment of \$2 500 inclusive of interest and cost to the Plaintiffs, Barbara and Leydon MacDonald.
 - (b) That the Plaintiffs be required to execute a Release satisfactory to the City Solicitor and that the action be dismissed as against the City of Hamilton without costs.

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32. That leave be granted to introduce the following Bills:

- Bill H-117 A By-law to Amend Municipal Tax Levy By-law No. 71-69 Respecting Fee For Treasurer's Tax Certificate.
- Bill H-118 A By-law to Amend Market By-law No. 81-180 Respecting Fees.
- Bill H-119 A By-law to Amend Schedule 4 to Licensing By-law No. 79-323 Respecting Taxi-Cab Rates Or Fares To Be Charged And Adjusting Meters To Include Goods And Services Tax.
- Bill H-120 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

**ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

John Thompson, Secretary
1990 December 06

**Section 27(c) amended to read:*

27. (c) *That a formal invitation be extended to the three (3) local members of the Federal Government to meet with the Finance and Administration Committee at their convenience within three months to discuss the composition of the Hamilton Harbour Commission.*

Appendix "A" as referred to in
Section 10 of the TWENTY-SEVENTH
Report of the Finance and
Administration Committee for 1990.

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Ms. Pamela Bean	Parking Control Officer (B-5)	Traffic	Replacing Mr. J. Gubbins - promoted	\$25,352.60 to \$29,666.52	\$26,214.76 per annum (2 of 5)	12/11/90
Mr. Ross Blair	Lieutenant (C-7)	Fire	Replacing Mr. G. Colbourne - deceased	\$51,063.31	\$51,063.31 per annum (1 of 1)	18/11/90
Ms. Wendy Crevier	Traffic Planning Technologist (A-12)	Traffic	Returning to former position was replacing Mr. M. White - promoted	\$34,223.80 to \$40,150.24	\$37,442.60 per annum (3 of 5)	12/11/90
Mr. Jim Friend	Communication Operator (C-5)	Fire	Returning to former position	\$47,199.74	\$47,199.74 per annum (1 of 1)	11/11/90
Mr. James Gubbins	Parking Control Supervisor (M-2)	Traffic	Additional Staff - Council approved June 26, 1990	\$33,932.08 to \$40,013.48	\$33,932.08 per annum (1 of 5)	29/10/90
Mr. Raymond Harkness	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. W. Moffatt - promoted	\$28,593.76 to \$29,009.76	\$29,009.76 per annum (2 of 2)	05/11/90
Mr. Donald Inglis	Supervisor of Inspection Services (K)	Building	New Position - Council approved October 30, 1990	\$42,566.68 to \$50,107.20	\$48,161.88 per annum (4 of 5)	05/11/90

**THE CORPORATION FOR THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS**

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Ms. Basia Jacobs	Invoice Checking Clerk (E-3)	Treasury	Replacing Mr. J. Whitwell - transferred	\$21,062.60 to \$22,755.20	\$21,062.60 per annum (1 of 3)	08/11/90
Mr. Lorne LeBlanc	Parking Control Officer (B-5)	Traffic	Replacing Mr. B. McCoy - promoted	\$25,352.60 to \$29,666.52	\$26,214.76 per annum (2 of 5)	12/11/90
Mr. Patrick McCafferty	Lieutenant (C-7)	Fire	Replacing Mr. T. Lane - promoted	\$51,063.70	\$51,063.31 per annum (1 of 1)	18/11/90
Mr. Alan McCandless	Lieutenant (C-7)	Fire	Replacing Mr. D. Phillips - promoted	\$51,063.31	\$51,063.31 per annum (1 of 1)	18/11/90
Mr. David O'Reilly	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. J. Syty - retired	\$28,593.76 to \$29,009.76	\$28,593.76 per annum (1 of 2)	23/10/90
Mr. George Robis	Zoning Examiner & Code Correlator (A-10)	Building	Replacing Mr. H. MacMillan - retired	\$31,713.24 to \$37,768.64	\$31,713.24 per annum (1 of 5)	28/09/90
Mr. John Spolnik	Supervisor of Inspection Services (K)	Building	New Position - Council approved October 30, 1990	\$42,566.68 to \$50,107.20	\$42,566.68 per annum (1 of 5)	05/11/90
Ms. Penny Ulbinas	Horticultural Technical Assistant (A-12-A)	Public Works	Replacing Mr. R. Duckworth - promoted	\$39,112.32 to \$45,886.88	\$40,888.64 per annum (2 of 5)	05/11/90

Prepared 23/11/90

THE CORPORATION FOR THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Ms. Susan Vickers	Parking Control Officer (B-5)	Traffic	Replacing Mr. G. Abel - promoted	\$25,352.60 to \$29,666.52	\$26,214.76 per annum (2 of 5)	12/11/90
Mr. John Whitwell	Clerk Typist II (E-2)	Treasury	Replacing Ms. A. Orzel - promoted	\$19,756.36 to \$21,283.60	\$20,545.20 per annum (2 of 3)	08/10/90

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Homer Babin	Traffic Serviceman/ Woman II	Traffic	Resigned	9 years	09/11/90
Mr. John Gyurko	Draftsman/Woman I	Property	Terminated	13 years, 5 months	29/10/90

Prepared 23/11/90



ONTARIO REAL ESTATE ASSOCIATION
 LANDLORD'S COPY () TENANT'S COPY () AGENT'S COPY ()
 OFFER TO LEASE (COMMERCIAL)

TO: Oakland "6" Limited, and Leggat Investments Limited
 (hereinafter called the "Landlord")

FROM: Hamilton Parking Authority

(hereinafter called the "Tenant")

DATE OF OFFER: November 14, 1990

The tenant hereby offers to lease from the Landlord the premises as described herein through Chambers & Company Limited
 the Landlord's Agent on the terms and subject to the conditions as set out in this Offer.

1. PREMISES: of land
 The "Premises" consisting of approximately square metres (68 x 628 square feet) more or less of known municipally
 as 22 and 30 Bay Street, Hamilton, plus 191 King Street, Hamilton
 in the City of Hamilton, Province of Ontario, as shown outlined in RED on the plan attached as Schedule "A"

2. USE:
 The Premises shall be used only for parking and ancillary uses allowed by existing zoning.

3. TERM OF LEASE:
 (a) The Lease shall be for a term of sixty (60) months commencing on the 1st day of February, 1991
 and terminating on the last day of January, 1996.
 (b)

4. RENTAL:
 Fixed minimum rent: (being a guaranteed base rent subject to increase as herein after provided)
 The fixed minimum rent payable by the Tenant for each complete twelve-month period during the lease term shall be:
 (i) during the DDG Five year(s) of the term: One Hundred Ninety Seven/Thousand dollars (\$ 197,000.00)
 (ii) during the next year(s) of the term: dollars (\$)
 (iii) during the next year(s) of the term: dollars (\$)
 (iv) during the last year(s) of the term: dollars (\$)
 One-twelfth of the fixed minimum rent shall be paid in advance to the Landlord each month on the First day of such month.

5. SERVICES AND BUSINESS TAXES:
 The Tenant shall pay its own hydro, gas, water, heating costs, air-conditioning costs and for all other services and utilities as may be provided to the premises. The Tenant shall arrange with the local authority for connection of gas, electricity, and water in the name of the Tenant. The Tenant shall pay its own business taxes.

6. ADDITIONAL RENT AND CHARGES:
 The Tenant shall additionally pay all costs and expenses incurred by the Landlord in maintaining, operating, cleaning, insuring and repairing the property and, without limiting the generality of the aforesaid, such costs and expenses shall include the costs of:
 (i) snow, garbage and trash removal;
 (ii) landscaping and planters;
 (iii) heating, ventilating and air-conditioning, and providing hot and cold water and other utilities and services to, and operating the common areas of the property, and maintaining and repairing the machinery and equipment providing such utilities and services;
 (iv) the realty taxes, assessments, rates, charges and duties levied or assessed against the property (save any tax on the personal income of the Landlord);
 (v) insuring the property and such other insurance as the Landlord will effect against public liability, property damage, loss of rental income and other casualties and risks.

7. SIGNAGE:
 The Tenant may, at its expense, erect signage subject to the Landlord's prior written approval as to the design, color, and content of any such signs, which consent shall not be unreasonably withheld, and to be located as follows:

as necessary and reasonable

8. LANDLORD'S AND TENANT'S WORK:

The Landlord agrees to complete the work described as the "Landlord's Work" in Schedule "A" attached hereto and made part hereof. The Tenant agrees to complete any additional work necessary to prepare the Premises for the Tenant's use, described as "Tenant's Work" in Schedule "A" attached hereto. The Tenant shall not proceed with any work within or affecting the Premises without the Landlord's prior written approval, which approval shall not be unreasonably withheld.

9. EXECUTION OF LEASE:

The form of the Lease will be prepared at the Landlord's expense, in accordance with the terms and conditions of the Offer, and the Lease will be signed and executed by both parties hereto prior to occupancy by the Tenant.

.....

12/11/90

11. ASSIGNMENT:

This Offer to Lease shall not be assignable or sub-lease transferable by the Tenant. The Tenant may not assign or sub-lease its interest in the Lease contemplated herein without securing the written consent from the Landlord, which consent shall not be unreasonably withheld, provided however, if the consent is granted, the Tenant shall remain liable for all obligations under the Lease.

12. SECURITY DEPOSIT AND PREPAID RENT:

The Tenant delivers herewith a negotiable cheque payable to

on the amount of dollars

to be deposited and held without interest as security for the faithful performance by the Tenant of all terms, covenants and conditions of the Offer and after execution of the Lease, to be held as security for the faithful performance by the Tenant of all the terms of the Lease to be applied to the Landlord against the first, and last month's rent. If the Offer is not accepted, the deposit is to be returned to the Tenant without interest or deduction.

13. SCHEDULES:

The Schedules attached hereto shall form an integral part of this Offer to Lease and consist of:

Schedule(s) "A" & "B"

14. NO REPRESENTATION:

It is understood and agreed that there are no covenants, representations, agreements, warranties or conditions in any way relating to the subject matter of this Offer, whether express or implied, collateral or otherwise, except those set forth herein.

15. BINDING AGREEMENT:

This Offer and the acceptance thereof shall constitute a binding agreement by the parties to enter into the Lease of the Premises and to abide by the terms and conditions herein contained.

REVOCATION:

This Offer shall be irrevocable by the Tenant and shall be open for acceptance by the Landlord until 5:00 p.m. on the 23 day of November, 1990 after which time if not accepted this Offer shall be null and void and all monies paid thereon shall be returned to the Tenant without interest or deduction.

DATED AT Hamilton

SIGNED, SEALED AND DELIVERED in the presence of:

THIS DAY OF November 19 90

HAMILTON PARKING AUTHORITY

Per: [Signature]

Tenant (Authorized Official)

11/ /90

Date

(Witness)

Per: [Signature]

Tenant (Authorized Official)

Date

(Witness)

Per: [Signature]

Guarantor

Date

(Witness)

We, the Landlord hereby accept the above offer, and agree to pay to the Agent a commission of \$16,000.00. Said commission will be due and payable at the commencement of the term and may be deducted from the deposit with any remaining balance to be paid forthwith.

If the term of the Lease is renewed, extended or continued, whether by the exercise of any option to renew or otherwise, the Landlord agrees to pay to the Agent a further commission of% of the total yearly rental for each such year that the original term is so renewed, continued or extended. Said commission will be payable on the date that any option to renew is exercised or the date on which the term of the Lease is otherwise renewed, extended or continued.

DATED AT Hamilton

THIS DAY OF Nov. 19 90

SIGNED, SEALED AND DELIVERED in the presence of:

OAKLAND "6" LIMITED

Per: [Signature]

Landlord (Authorized Official)

11/14/90

Date

(Witness)

LEGGAT INVESTMENTS LIMITED

Per: [Signature]

Landlord (Authorized Official)

11/14/90

Date

(Witness)

* NO FURTHER COMMISSION PAYABLE UNDER ANY CIRCUMSTANCES. NO COMMISSION PAYABLE FOR RENEWALS OR EXTENSIONS. NO COMMISSION PAYABLE IF TRANSACTION NOT COMPLETED FOR ANY REASON.

12/11/90.

-3487-

ATTACHED TO AND FORMING PART OF THE OFFER TO LEASE
BETWEEN:

OAKLAND "6" LIMITED
AND LEGGAT INVESTMENTS LIMITED

(Landlord)

AND:

HAMILTON PARKING AUTHORITY

(Tenant)

1. This Offer to Lease is conditional by the Tenant upon receiving final approval from the Municipal Council of the City of Hamilton on or before December 11th, 1990, failing which this Agreement shall become null and void.
2. This Offer to Lease is conditional by the Landlord upon receiving release from Chrysler of Canada Ltd. from the existing lease on the Real Property on or before January 3rd, 1991, failing which this Agreement shall become null and void.
3. The Tenant agrees to demolish and remove all buildings on the property and to prepare and finish the property to the standards for a municipal parking lot at their sole expense. Said expense to include all demolition cost and permits and approvals.
4. Either or both Landlords for their respective properties shall have the right to terminate it's portion of the herein described Lease for that portion of the property owned by either or both Landlords at the end of the fourth year or any time thereafter during the term of the lease. Said notice to be given by the Landlord who wishes to terminate, to the Tenant in writing at least 180 days before such termination and the appropriate Landlord hereby agrees that should such termination occur prior to the end of the initial five year term then the terminating Landlord shall pay to the Tenant any undepreciated cost of demolishing the buildings on the terminated site and preparing the terminated site. Said depreciation to be considered as the straight line method over the five year term of the Lease. Should only one landlord terminate, the lease shall remain effective for the remaining (non-terminating) Landlord and the rent shall abate as follows:
 - a) Termination by Oakland "6" Limited - \$49,000.00 p.a. abatement.
 - b) Termination by Leggat Investments Limited - \$148,000.00 p.a. abatement.
5. The Tenant agrees that, forthwith upon all conditions being satisfied herein, each Landlord shall be provided without cost to them one vehicle parking pass valid at any Hamilton Parking Authority site during the term of the herein described Lease.
6. *After all conditions have been satisfied and prior to demolition commencing*
The Landlord shall have the right ~~before January 1, 1991~~, to remove any chattels or mementoes on the Real Property.

pm
2/11

all buildings,
from
pm
2/11

From
pm
2/11

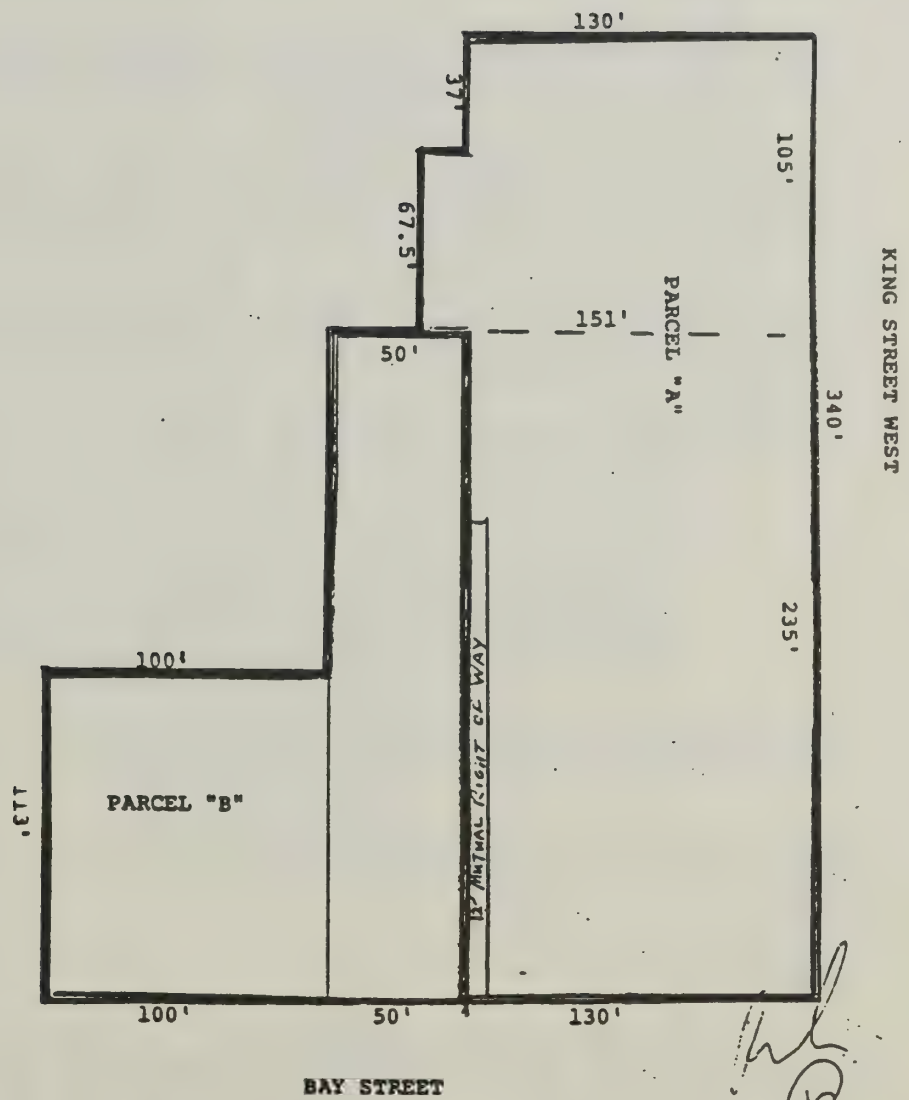
12/11/90

- Handwritten: LANDLORD*
7. The ~~Vendor~~ agrees to permit access by the Tenant to the property after all the Landlord's and Tenant's conditions have been satisfied, and the Tenant shall have the right to commence demolition of the building at such time, subject to prior notice to the Landlords.
 8. This Offer to Lease is conditional by the Tenant upon receiving on or before December 3, 1990, satisfactory proof that there will be no extraordinary costs of demolition, including, without limiting the generality of the foregoing, any costs of removal of toxic, hazardous and/or industrial waste and material from the said property, and including the removal of any storage tanks and receptacles for combustible materials, failing which this Agreement shall become null and void.
 9. The Landlord shall pay all municipal realty taxes and utility charges for the property to the 31st day of January, 1991.
 10. Upon the execution of the Lease, the Landlord consents to the registration by the Tenant of a Notice of Lease against the lands herein.
 11. For greater clarity the parties agree that this Lease is to be a Net Lease and that the rent and additional rent provided to be paid to the Landlord hereunder shall be absolutely net to the Landlord, and that all costs, expenses and obligations of every kind and nature whatsoever relating to the premises shall be paid by the Tenant. These expenses are understood to include all other expenses in any way related to the Property including the G.S.T., the Commercial Concentration Tax, and any special or other taxes that may be now or in the future levied on parking lots; but shall not include the Landlord's income tax.
 12. Lease to provide that Tenant will indemnify and save the Landlord harmless from all suits, claims, demand actions, causes of actions and related costs and expenses, that arise during the tenancy unless caused by the Landlord's own negligence or wilful act.
 13. In addition to the guaranteed base annual rental of ONE HUNDRED AND NINETY SEVEN THOUSAND DOLLARS (\$197,000.00), the Tenant shall pay to the Landlord a Participation Rental commencing in the third year of the term, calculated as thirty-three and one-third percent ($33\frac{1}{3}\%$) of gross revenues in each year of the term in excess of gross revenues collected by the Tenant in the second year of the term. For the purpose of this calculation, "year" shall mean a twelve (12) month period commencing on February 1.

"Gross revenues" shall mean the sum of all monies received by the Lessee with respect to the leased premises before deductions for taxes, operating expenses, or any other deductions whatsoever, save and except, should the Tenant enter into an agreement with an NHL franchise rebating parking revenue to the team, then the amount of the rebate shall be deducted from gross revenue. NO OTHER SPECIAL CONSIDERATION TO BE MADE WITHOUT THE LANDLORDS PRIOR WRITTEN CONSENT.

Handwritten: Such Participation Rental shall be paid within ninety (90) days of the end of each year of the term.

*Handwritten: (N) * Rebate not to exceed 50% of parking price.*



SCHEDULE "C"

attached to and forming part of an Offer to Lease dated November 14, 1990 from the Hamilton Parking Authority (called the Tenant) to Oakland "6" Limited and Leggat Investments Limited (together known as the Landlord) and accepted by the Landlord on November 20, 1990

1. Paragraph one of Schedule "A" of the said Offer to Lease states that the Parking Authority's Offer is conditional upon receiving approval of The Council of The Corporation of the City of Hamilton. The City hereby offers to amend the said Offer to Lease on the following terms.
2. That the Landlord and the Hamilton Parking Authority agree by joining herein that the Offer to Lease shall be amended pursuant to provisions of this Schedule. This Amending Schedule shall be open for the Landlord to accept by executing same and delivering it to the City c/o the City Clerk on or before December 20, 1990.
3. The Lease by the Landlord provided for in the Offer to Lease shall be to The Corporation of the City of Hamilton as Lessee (in place of the Hamilton Parking Authority referred to in the Offer to Lease). All other references in the Offer to Lease, its Schedules including this Schedule "C" to "Tenant" shall mean The Corporation of the City of Hamilton. The City and the Landlord shall be entitled to enforce the Offer to Lease as amended hereby the one against the other.
4. The Lease shall have an initial fixed term commencing February 1, 1991 and expiring on November 30, 1991. (hereinafter referred to as the "initial term"). The Lease in a form satisfactory to the Landlord and to the Tenant shall include the terms provided for in the said Offer to Lease as amended herein.
5. In consideration for the Tenant's work in demolishing the buildings on the leased property during the initial term, the Lease shall include:
 - (i) an Option to renew in favour of the Tenant for the period December 1, 1991 to and including the last day of January, 1996 upon the rental rate and other financial terms set out in the Offer to Purchase for such period of time.
 - (ii) the Option may be exercised by the Tenant upon Notice in writing to the Landlord up to and including the 30th day of November, 1991. The said Lease renewal shall be conditional upon the Tenant obtaining the approval to the proposed renewal term from the Ontario Municipal Board. The Tenant shall take all necessary steps to expeditiously and forthwith proceed with and obtain approval from the O.M.B.. In the event such approval is not received by the Tenant prior to November 30, 1991, then the Option to lease between the parties shall be null and void.
6. The City as Lessee of the property shall enter into the proposed Lease with the Landlord and entrust to the Hamilton Parking Authority the management and administration of the proposed parking facilities on the lands leased to the City.

HAMILTON PARKING AUTHORITY, joins herein to approve this Schedule to the said Offer to Lease on the _____ day of December, 1990.

Per:

General Manager c/s

The Corporation of the City of Hamilton hereby offers to amend the said Offer to Lease with this Amending Schedule in Witness Whereof The Corporation of the City of Hamilton has executed this Schedule, this _____ day of December, 1990.

THE CORPORATION OF THE CITY OF HAMILTON

Mayor c/s City Clerk

IN WITNESS WHEREOF the Landlord has executed this Schedule to accept this Offer to amend the said Offer to Lease made by the Corporation of the City of Hamilton and the Hamilton Parking Authority this _____ day of December, 1990.

LEGGAT INVESTMENTS LIMITED
Per:

OAKLAND "6" LIMITED
Per:

c/s

c/s

REVISED PROCEDURES FOR THE MONITORING AND CONTROL OF CURRENT ACCOUNTS OTHER THAN LOCAL BOARDS OR COMMISSIONS

Schedule A
Page 1

PRESENT PROCEDURE

1) Additional funding to
an existing account:

- a) Dept. head
- b) Treasurer (for dept.)
- c) C. A. O.
- d) Standing Committee
- e) Finance and Administration
Committee

f) City Council

2) Additional funding for
new/unbudgeted items

- a) C. A. O.
- b) Standing Committee
- c) Finance and Administration
Committee
- d) City Council

PROPOSED

MAXIMUM NOW

- \$500 transfer
- \$500 overdraft
- \$1,000 transfer
- \$1,000 overdraft
- \$5,000 transfer
- \$5,000 overdraft
- \$5,000 - Contingency
- over \$5,000 transfer
- over \$5,000 overdraft
- over \$5,000 - Contingency
- \$1,000 transfer
- \$5,000 transfer
- \$5,000 - Contingency
- over \$5,000 - Contingency

WHY THE CHANGE?

- to allow for political review of budget appropriations which will not have changed from the original approvals (with the exception of salaries/wages/benefits if contracts not settled before budget is set). e.g.; with the present practice of transferring appropriations from one a/c to another during the year, adjustments are made up or down as necessary thereby bringing them more into line as to what the "actuals" would be. Some councillors have indicated in the past that budget amounts should not change and that an explanation be given if required during budget review as to the reason for under/over-spent accounts; this proposal will accomplish that wish.
- to allow for adequate spending authority and control while reducing the administrative process required at the political and administrative levels. e.g.; at present control in most cases is at the line item account and a series of administrative steps must now be taken to allow overexpenditure of a particular item, affecting dept. staff, Treasury staff, Legislative staff, and Committee and Council agendas. It is proposed to significantly reduce the steps in this process.
- to give depts. more flexibility in spending when adjustments must be made in operations due to changing priorities and conditions during the year. e.g.; opportunities may arise which were unforeseen earlier, and it may be necessary to overspend in one area and to reduce or delay expenditures in another area to compensate. The "bottom line" responsibility approach proposed for most depts. will facilitate this process.

REVISED PROCEDURES FOR THE MONITORING AND CONTROL OF CURRENT ACCOUNTS OTHER THAN LOCAL BOARDS OR COMMISSIONS

<u>PRESERVE PROCEDURE</u>	<u>PROPOSED</u>	<u>WHY THE CHANGE?</u>
2)ii) Travel - Standing Committee approves conferences and conventions list during budget presentations	no change	
a) Standing Committees recommend to Council the attendance of any Council members at any conference or convention	add "citizen members of any committees"	to clarify status of citizen members attending conferences or conventions
b) Mayor approves attendance of C.A.O.	no change	
c) C.A.O. approves for department heads (if disapproved by C.A.O., department head may appeal to Committee)	no change	
d) C.A.O. and department head approve for staff	no change	
NOTE: -dept. head can re-schedule proposed list -approval sought if required prior to budget	no change no change	
3)iii) Seminars and Training Courses		
-same procedure as for Travel except no detailed list required to be approved	as in 3)ii) but only if overnight stay and/or per diem required	to clarify the handling of majority of courses taken on a daily basis
3)iii) Business Travel Expenses		
-Mayor approves for Councilors, C.A.O., and citizen members of sub-committees	no change	
-C.A.O. approves for department heads, and department heads approve for employees	no change	

REVISED PROCEDURES FOR THE MONITORING AND CONTROL OF CURRENT ACCOUNTS OTHER THAN LOCAL BOARDS OR COMMISSIONS

PRESENT PROCEDURE

- 4) Equipment - Standing Committee approves detailed list during budget presentation

NOTE: approval must be sought if required to obtain prior to budget estimates being approved, by:

- C.A.O. up to \$1,000
- Standing Committee up to \$5,000
- Finance and Administration Committee and City Council for over \$5,000

5) Expenditure Account Control

- (i) -Administrative depts. -now controlled by individual account line (line by line)
- (ii) -Administrative cost centre in Operating depts. now controlled line by line
- (iii) -Operating depts. (Streets, Parks, Recreation) now controlled by function (+Property Maintenance)
- (iv) -other Operating depts. (Cemeteries, Culture, Fire, Fleet Services, Local Roads, C.U.P., City Garage, and Traffic) now controlled by cost centre
- (v) -financial and miscellaneous accounts - now controlled by Treasurer and reported to F. & A. Committee
- (vi) -Grants - now monitored and controlled by the "Grants Co-ordinator" (a Treasury employee)

PROPOSED

no change

)
) no changes
)
)

department total
(bottom line)

cost centre total
(total administration)

no change (except
Prop.Maint.by function)

department total
(bottom line)

no change

no change

See items 1) and 2) for detailed explanation.
Essentially, giving departments "bottom line" control of their accounts will reduce administrative and legislative paperwork, provide for more departmental responsibility for control and monitoring of accounts, and allow for more flexibility as conditions change.

WHY THE CHANGE?

REVISED PROCEDURES FOR THE MONITORING AND CONTROL OF CURRENT ACCOUNTS OTHER THAN LOCAL BOARDS OR COMMISSIONS

Schedule A
Page 4

PRESENT PROCEDURE

5) Expenditure Account Control - CONTINUED

(vii) - all other non-departmental accounts, now controlled by Treasury and/or sub-committee secretaries

6) All other expenditures not covered by the purchasing procedure and excluding those which Treasurer must pay, i.e., payroll, debt, utilities, taxes, etc.

a) Department head - up to \$5,000

b) Department head and C.A.O. - up to \$10,000

c) Standing Committees and Council - over \$10,000

7) Holdbacks to Contractors - all go to Committee (taken on contracts worth \$50,000 or more)

PROPOSED

Secretary of appropriate Standing Committee to be responsible for monitoring and control.

Increase to \$10,000

Increase to \$20,000

Increase to \$20,000+

pay according to established procedure; no Standing Committee approval should be required

WHY THE CHANGE?

to clarify responsibility for the following functions or sub-committees:

F. & A.: Hosting and public relations accounts, HSPCA, Municipalization and Status of Women Committees.

P. & D.: Municipal Non-Profit, Hamilton Housing Company, Committee of Adjustment, and Mayor's Award Program.

P. & R.: Hamilton Veteran's Committee and Waterfront Project

- normal inflationary pressures over past 10 years would almost equate to double the original limit
- reduce administrative procedures and committee and council agenda items which should be routine
- e.g., outside legal consultants, training courses, memberships and subscriptions, etc.

- reduce administrative procedures and committee items which should be paid in accordance with established procedures and controls

PROCEDURES - CONSTRUCTION AND DEMOLITION CONTRACT REQUIREMENTS

- A.* Projects for construction and demolition work valued up to \$100 000.
- a) Quotations to be invited and opened by the Manager of Purchasing
 - b) Purchase order only be issued
 - c)** Two year warranty required where directed
 - d)** Public Liability and Property Damage insurance required where directed
 - e)** Performance Surety required where directed
 - f) Bid Surety required where directed
 - g) No holdback be retained
 - h) Short form specifications to be used
 - i) The Bidders' Lists of the Purchasing Division of the City of Hamilton be updated at least annually by the placement of an advertisement in The Spectator, inviting companies and individuals who may be interested in providing work, services or materials for the City to have their name placed on the City of Hamilton's Bidders' List
 - j)** The prevailing rates of wages, conditions and benefits as stated in the City of Hamilton Wage Schedule as maintained by the Commissioner, Human Resources Centre, shall govern all persons employed through contracts and sub-contracts for construction and demolition projects awarded by the City. It shall be the responsibility of the Commissioner, Human Resources Centre to consider all claims made pursuant to this clause where directed.
 - k)** The contractor shall maintain a complete set of payroll, accounts and records relating to the project and the City Treasurer and Commissioner, Human Resources Centre may inspect such records as directed.
 - l) A statement of the current status from the Workers Compensation Board will be required from time to time
 - m)** Inspection, testing and examination of the work required by the City in the specifications shall be done at the Contractor's own expense where directed
 - n)** Inspection, testing and examination of the work as directed by the City, other than in the specifications, shall be done by the contractor at the city's expense unless such inspections and examinations indicate that the work is not in accordance with the specifications, in which case, such inspections, testing and examinations shall be at the expense of the contractor where directed.
 - o)*** The contractor and sub-contractor be required to procure at least one price from local manufacturers where possible.
 - p) Only licensed trucks or carters operating in accordance with City of Hamilton By-Law 79-323 shall be used.
 - q)**** Withdrawal of sealed quotations after stated closing time will not be allowed.
- Sealed quotations will not be considered unless accompanied by prescribed sureties. Sealed quotations will not be accepted for any reason after official closing time.

- * Value was "under \$25 000" for Part A and up to \$50 000 for Part B
- ** The words "where directed" have been added
- *** Originally read "procure tenders or prices from local manufacturers"
- **** New clause

- a) Tenders to be called
- b)** Formal contract to be executed where directed
- c) Two year warranty required
- d) Public Liability and Property Damage insurance required
- e) Performance Surety required
- f) A holdback will be retained where directed
- g) Bid Surety required
- h) Short form specifications to be used
- i)** The prevailing rates of wages, conditions and benefits as stated in the City of Hamilton Wage Schedule as maintained by the Commissioner, Human Resources Centre, shall govern all persons employed through contracts and sub-contracts for construction and demolition projects awarded by the City. It shall be the responsibility of the Commissioner, Human Resources Centre to consider all claims made pursuant to this clause where directed.
- j)** The contractor shall maintain a complete set of payroll, accounts and records relating to the project and the City Treasurer and Commissioner, Human Resources Centre may inspect such records where directed.
- k)**** Before tenders estimated to be \$100 000 and over are advertised, the project is to be approved by Council
- l) A statement of the current status from the Workers Compensation Board will be required from time to time
- m)** Inspection, testing and examination of the work required by the City in the specifications shall be done at the Contractor's own expense where directed
- n)** Inspection, testing and examination of the work as directed by the City, other than in the specifications, shall be done by the contractor at the city's expense unless such inspections and examinations indicate that the work is not in accordance with the specifications, in which case, such inspections, testing and examinations shall be at the expense of the contractor where directed.
- o) The contractor shall ensure all parties under his jurisdiction are informed of all conditions of the Tender/Contract Documents.
- p) During periods of extreme unemployment, the City may request the Contractor to institute a work sharing program which must be agreed upon by the contractor and the individual unions, if any.
- q)*** The contractor and sub-contractor be required to procure at least one price from local manufacturers where possible.
- p) Only licensed trucks or carters operating in accordance with City of Hamilton By-Law 79-323 shall be used.
- r) Withdrawal of sealed tenders after stated closing time will not be allowed. Sealed tenders will not be considered unless accompanied by prescribed sureties. Sealed tenders will not be accepted for any reason after official closing time.
- s) All sub-contractors and/or own forces are to be indicated on the list of sub-contractors or tenders may be considered an improper bid.

* Originally read "valued at \$50 000 or more"

** The words "where directed" have been added

*** Originally read "procure tenders or prices from local manufacturers"

**** Originally read "\$50 000"

- C. Projects for construction and demolition work valued over \$200 000, City Architectural specifications will be used.

The following clause has been deleted as it is no longer enforceable according to our Legal and Human Resources Departments.

Preference to employment of skilled or common labourers, or workmen who have resided in Hamilton for at least one year will be given.

The following clause has been deleted as requested by our Treasury Department.

No hold-back be retained for contracts under \$100,000.00.

**SPENDING LIMITS FOR THE
PURCHASING POLICIES OF THE REGION AND CITY**

		Authorization Up to Present <u>Region</u>	<u>City</u>	Inflation @ 250% <u>since 1975</u>	Proposed for City & <u>Regm</u>
Field Purchase Orders		\$ 100	\$ 100	\$ 250	\$ 200
Purchase Orders	- Staff	\$10,000	\$ 5,000	\$12,500	\$15,000
	- CAO	\$15,000	\$10,000	\$25,000	\$25,000
	- Mayor/Chairman and CAO	\$25,000	Nil		\$50,000
	- Council	Over \$25,000	Over \$10,000	\$25,000	Over \$50,000

City of Hamilton
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

Item No. (1)	Project Description (2)	as at September 30, 1990 (000's)					Is the Project on Target?		Centre Number (10)
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Yes or No		
		Start (3)	Finish (4)				Timing (8)	Budget (9)	
(11-50)	General Administration								
2	Ceramic Belting Replacement and Window Repair - City Hall	01/85	being reviewed	40	-	40	No	No	CF 328541002
9	Data Base and Fourth Generation Language	09/86	12/90	550	330	220	Yes	Yes	CF 258651002
10	Handicapped Access to Recreational Buildings	09/86	12/90	100	6	94	No	No	CF 708641003
11	Energy Conservation Projects	05/86	12/90*	50	39	11	Yes	Yes	CF 328641001
17	Computer Software Project - 1987 Allocation	08/87	12/90	100	80	20	Yes	Yes	CF 258751002
25	Computer Software Project - 1988 Allocation	11/88	12/92	125	-	125	Yes	Yes	CF 258851002
27	Computer Environment Improvements	11/88	12/90	50	3	47	Yes	Yes	CF 258851001
32	New Computer Workstations	05/89	Completed*	75	75	-	Yes	Yes	CF 258851001
33	Computer Software Project - 1989 Allocation	01/90	1991	150	-	150	Yes	Yes	CF 259051015
34	Replacement of Rink Slabs and Boards - Mountain Arena	11/89	Completed*	496	476	20	Yes	Yes	CF 318941014
35	Energy Conservation Project	11/89	1991	50	-	50	Yes	Yes	CF 318941016
36	Major Maintenance Civic Buildings - 1990 Allocation	05/90	12/90	250	-	250	Yes	Yes	CF 319041003

City of Hamilton
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

(000's)
as at September 30, 1990

Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Timing (8)	Yes or No Budget (9)	
General Administration-Ctd.									
37	Computer Software Project - 1990 Allocation	03/90	12/90	125	-	125	Yes	Yes	CF 259051013
38	Accommodation Requirements - Legal Department	11/90	05/91	175	-	175	Yes	Yes	CF 319041004
39	Hamilton Housing Company - Macassa Park Apts. - Replace Heating and Electrical System	1990	1990	165	-	165	Yes	Yes	CF 319041005
40	Asbestos Abatement Program	1990	1992	550	-	550	Yes	Yes	CF 319041007
41	H.S.P.C.A. - Capital Grant	03/90	N/A*	282	282	-	N/A	Yes	CF 259041008
42	Computer Workstation Furniture	01/90	12/90	50	10	40	Yes	Yes	CF 259051012
43	Accommodation Requirements - City Hall - 1990 Allocation	05/90	12/90	150	-	150	Yes	Yes	CF 319041002
45	Major Upgrading of City Hall - Needs Study	on hold		100	-	100	No	Yes	CF 319055004
46	Major Maintenance to Civic Buildings - 1989 Allocation	10/89	1990	250	30	220	No	Yes	CF 318941003
Protection to Persons & Property									
56	Fire Stn. Stonechurch & Upper Wellington - Construction	05/89	05/91	1,400	212	1,188	Yes	Yes	CF 488941001

City of Hamilton
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

as at September 30, 1990 (000's)									
Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Timing (8)	Yes or No (9)	
(101-150) Engineering**									
103	Road Access - Riverdale East Neighbourhood	08/86	10/90	445	269	176	Yes	Yes	CF 528643006
108	High Level Bridge Street Lighting	11/87	12/90	155	102	53	Yes	Yes	CF 528744002
109	1988 Reconstruction Program	01/88	12/90	7,695	7,380	315	Yes	Yes	CF 528842001-047
110	Replacement of Traffic Operations Centre	09/88	03/92	6,830	494	6,336	Yes	Yes	CF 758641001
111	Greenhill Ave. Construction of Finished Roadway, Curbs & Sidewalks	08/88	12/89	860	623	237	Yes	Yes	CF 528843002
112	Storm Drainage Projects	12/88	12/91	180	66	114	Yes	Yes	CF 528849001
113	1989 Reconstruction Program	01/89	12/90	8,200	6,809	1,391	Yes	Yes	CF 528942001-056
114	Albright Road Extension	05/89	12/90	104	79	25	Yes	Yes	CF 528943002
115	1990 Reconstruction Program	03/90	12/91	8,800	2,870	5,930	Yes	Yes	CF 529042001
116	Catch Basin and Drain Connections	03/90	12/90	150	-	150	Yes	Yes	CF 529043007
(201-250) Parking Authority									
201	Parking Facilities - Property Acquisition	02/84	Unknown	1,700	1,431	269	No	Yes	CF 708445001
202	Construct Parking Facilities	09/85	1991*	590	282	308	Yes	Yes	CF 908545001
211	Upgrade Existing Parking Facilities	03/90	12/90	100	-	100	Yes	Yes	CF 909045003
212	Study and Design - Existing and Future Parking Projects	1990	1990	50	-	50	Yes	Yes	CF 909045004

City of Hamilton
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

Item No. (1)	Project Description (2)	as at September 30, 1990 (000's)					Is the Project on Target?		Centre Number (10)
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Yes or No		
		Start (3)	Finish (4)				Timing (8)	Budget (9)	
(201-250) Parking Authority-Ctd.									
213	John/Rebecca Decking	1990	Unknown*	2,600	-	2,600	No	Yes	CF 909045005
214	Land Acquisition - Various	1990	1990	400	300	100	Yes	Yes	CF 909045006
215	King Wm./Mary Decking	1990	1991*	100	-	100	No	Yes	CF 909045007
(251-300) Department of Public Works									
267	Public Works Equipment - Vacalls, Steam Jenny, Elephant Vacs	03/90	03/91	222	179	43	Yes	Yes	CF 609051014
268	Underground Fuel Tanks - Various Locations	03/90	12/90	130	130	-	Yes	Yes	CF 649041007
269	Renovations to Office & Yard & Ventillation System - Fleet Services	03/90	08/91*	169	73	96	Yes	Yes	CF 649041012
270	Upper Ottawa Depot	03/90	12/91	359	8	351	Yes	Yes	CF 609041009
271	Construct/Repair Parking Lots	03/90	08/91*	107	17	90	Yes	Yes	CF 629045009
272	Emergency Crest Stabilization	04/90	1990	429	366	63	Yes	Yes	CF 629049003

City of Hamilton
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

as at September 30, 1990 (000's)										
Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)	
		Start (3)	Finish (4)				Timing (8)	Yes or No (9)		
(301-350) Department of Culture & Recreation										
309	West Mountain Twin Pad Arena	1990	1992	9,668	-	9,668	Yes	Yes	CF 709041012	
311	Bike Paths (Phases 2, 3 & 4)	05/87	12/90	990	141	849	Yes	Yes	CF 708743001-002	
315	Senior Citizens Drop-In-Centre (Lake Avenue)	05/88	12/91	100	7	93	Yes	Yes	CF 708941003	
318	Y.W.C.A. Capital Grant - 1990 Portion	03/90	12/90	150	150	-	Yes	Yes	CF 259041006	
319	Playground Equipment - Various Locations	03/90	12/90	175	149	26	Yes	No	CF 70 Various	
320	Sir Winston Churchill Centre - Filtration System	04/90	Completed*	150	150	-	Yes	Yes	CF 709041008	
321	Senior Citizens Centre	11/90	11/92	3,500	-	3,500	Yes	Yes	CF 709041013	
322	Twinning Mountain Arena	1990	1990	2,012	1,824	188	Yes	Yes	CF 709041011	
(351-400) Parks Division										
351	Renovate Chedoke Golf Parking Lot	1989	08/91*	204	90	114	Yes	Yes	CF 628945001	
352	King's Forest Parking Lot Improvements	1990	09/91*	96	-	96	Yes	Yes	CF 629045008	
353	Bocci Courts at McCulloch, Manson and Rosedale	1990	1990	45	-	45	Yes	Yes	CF 709054020	
356	Chedoke Golf Course Storage and Workshop	06/86	1991	161	-	161	No	Yes	CF 628641001	
363	Mohawk Sports Park Construction of Utility Building	07/87	06/91	222	173	49	Yes	Yes	CF 628754001/004	

City of Hamilton
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

Item No. (1)	Project Description (2)	as at September 30, 1990 (000's)					Is the Project on Target?		Centre Number (10)
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Yes or No		
		Start (3)	Finish (4)				Timing (8)	Budget (9)	
(351-400) Parks Division-Ctd.									
367	Sackville Hill Park - Paving Parking Lot	05/88	Completed*	60	60	-	Yes	Yes	CF 628845001
368	Mountain Drive Park Repairs	05/88	12/91*	100	24	76	Yes	Yes	CF 628854003
372	T.B. McQueston Park Development - Stage 1	05/88	12/92	50	18	32	Yes	Yes	CF 628854004
378	Mohawk Sports Park, Irrigation System, Bleachers and Floodlighting	05/89	12/92	400	116	284	Yes	Yes	CF 628954001
379	Sam Lawrence Park - Upgrading	05/89	12/93	2,325	192	2,133	Yes	Yes	CF 628954002
381	Park Development and Redevelopment by Priority (1989)	05/89	12/90	488	449	39	Yes	Yes	CF 628954007
383	Bow Valley Creek - Alterations	05/89	Completed*	60	60	-	Yes	Yes	CF 628949001
384	Renovations/Repairs - Ivor Wynne Stadium	03/90	08/91*	345	-	345	Yes	Yes	CF 629054017
385	Floodlighting - Sam Manson Park	06/90	12/90	86	-	86	Yes	Yes	CF 629054011
386	Park Development and Redevelopment (1990)	03/90	08/91*	1,288	316	972	Yes	Yes	CF 629054012
387	Gage Park - Perennial Borders	03/90	06/91*	22	4	18	Yes	Yes	CF 628954003
388	Red Hill Creek Master Plan Implementation	03/90	06/91	1,157	-	1,157	Yes	Yes	CF 629054013
389	T.B. McQueston Park Development - 1990 Allocation	03/90	12/96	170	1	169	Yes	Yes	CF 629054014
390	Fieldhouse - Mohawk Sports Park	03/90	12/91	440	-	440	Yes	Yes	CF 629054018
391	Facilities Building - Gage Park	03/90	09/91*	460	-	460	Yes	Yes	CF 629054019

City of Hamilton
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SUMMARY OF CAPITAL PROJECTS IN PROGRESS

as at September 30, 1990 (000's)									
Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Timing (8)	Yes or No Budget (9)	
(351-400) Parks Division-Ctd.									
392	Churchill Lawn Bowling Club - Lighting System Replacement	03/90	12/90	31	-	31	Yes	Yes	CF 829054015
393	Mountain Park - Crest Stabilization Plan	03/90	12/92	250	-	250	Yes	Yes	CF 629049004
(401-450) H.E.C.F.I. (401-410) Corporate									
403	Automated Facilities Management Computer System	06/8	Completed*	83	83	-	Yes	Yes	CF 928651003
405	Automated Facilities Management Computer System	08/90	12/90	75	-	75	Yes	Yes	CF 929051006
406	T.V. Monitor Message System	06/89	12/91*	50	-	50	Yes	Yes	CF 928941007
(411-420) Copps Coliseum									
411	Victor K. Copps - Construction Renovations	08/83	12/91	41,429	40,615	814	Yes	Yes	CF 928341001-019
412	New Equipment & Renovations	07/87	03/91*	130	88	42	Yes	Yes	CF 928741001
413	New Equipment	04/88	06/91*	120	84	36	Yes	Yes	CF 928841002
414	New Equipment	06/89	12/90	97	81	16	Yes	Yes	CF 928941004
415	New Equipment & Renovations	09/90	02/91*	50	-	50	Yes	Yes	CF 929051002
416	Private Boxes - Study	10/90	03/91*	100	-	100	Yes	Yes	CF 929051003
417	Satellite Dish	10/90	02/91*	70	-	70	Yes	Yes	CF 929051004

City of Hamilton
TreasurySUMMARY OF CAPITAL PROJECTS IN PROGRESS
(000's)

Item No. (1)	Project Description (2)	as at September 30, 1990					Is the Project on Target? Yes or No	Centre Number (10)	
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)			
		Start (3)	Finish (4)						
									Timing (8)
<u>(401-450) H.E.C.F.I.-Ctd.</u>									
<u>(421-430) Hamilton Place</u>									
421	Great Hall Sound Console	11/88	02/91*	202	72	130	Yes	Yes	CF 928851003
422	Great Hall Banners	05/89	Unknown*	130	3	127	Yes	Yes	CF 928941001
423	Furniture, Equipment & Renovations	07/90	03/91*	160	10	150	Yes	Yes	CF 929051005
424	Great Hall Banners	09/90	Unknown*	570	-	570	Yes	Yes	CF 929041011
<u>(431-440) Convention Centre</u>									
433	Equipment & Renovations	06/89	12/91*	320	113	207	Yes	Yes	CF 928941008
434	Furniture, Equipment, Renovations	07/90	12/91*	62	5	57	Yes	Yes	CF 929051007
<u>(441-450) C.U.P.</u>									
442	Replacement and Overhaul	06/89	05/91*	115	24	91	Yes	Yes	CF 928941005
443	- Equipment	07/90	05/91*	90	15	75	Yes	Yes	CF 929041001
<u>(451-500) Hamilton & Scourge</u>									
452	Laboratory Facility & Equipment	06/89	12/90	150	-	150	Yes	Yes	CF 738841002
453	Hamilton & Scourge - Jason Project	03/90	03/91	410	386	24	Yes	Yes	CF 738904001

City of Hamilton
TreasurySUMMARY OF CAPITAL PROJECTS IN PROGRESS
(000's)

as at September 30, 1990									
Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Timing (8)	Budget (9)	
(501-550) Hamilton Public Library Board									
503	Terryberry Library Addition - 2nd Floor	08/87	12/90	2,471	1,307	1,164	Yes	Yes	CF 918741001
508	Furniture & Equipment - Office Computerization	09/88	04/91*	40	8	32	Yes	Yes	CF 918851002
509	Furniture & Equipment - Office Computerization	08/89	10/90*	20	12	8	Yes	Yes	CF 918941010
510	Furniture & Equipment - Office Automation	09/90	02/91*	13	-	13	Yes	Yes	CF 919051008
511	Automation of Information Files	09/90	12/90	131	-	131	Yes	Yes	CF 919051009
512	Office Automation	09/90	02/91*	72	6	66	Yes	Yes	CF 919051010
513	Automation & Collection Access - Phases II-V	09/90	04/91*	181	-	181	Yes	Yes	CF 919051011
514	Sherwood Library Branch Relocation	05/90	12/90*	356	32	324	Yes	Yes	CF 919041014
515	Library - Land Acquisition South East Mountain	08/90	12/90	555	17	538	Yes	Yes	CF 919041010
(601-650) Planning									
601	Enclaves Clearance	08/87	12/91	3,000	1,426	1,574	Yes	Yes	CF 308750001

City of Hamilton
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

as at September 30, 1990 (000's)									
Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Timing (8)	Budget (9)	
(701-750) Community Development									
701	Downtown Action Plan - Phase III B	07/86	12/91*	1,300	1,213	87	Yes	Yes	CF 428603001
702	Downtown Action Plan - Phase II	07/85	12/90	1,603	1,598	5	Yes	Yes	CF 428403001
704	James St. North Streetscape	07/86	12/90	1,994	1,968	26	Yes	Yes	CF 428103001
706	Downtown Action Plan - Phase IV	05/87	12/92*	1,199	762	437	Yes	Yes	CF 428803001
707	O.N.I.P. Corktown/Stinson	05/87	07/91*	1,028	1,012	16	Yes	Yes	CF 428701001
708	Facade Improvement Programme	07/87	12/90	800	415	385	Yes	Yes	CH 4X001 00321
711	Commercial Improvement Programme	06/87	12/91	2,500	731	1,769	Yes	Yes	CF 428705001
715	P.R.I.D.E. Programs - Crown								
	Point West/Stipeley - Phase II	05/89	12/92	700	41	659	Yes	Yes	CF 428902002
716	Waterfront Redevelopment (1990 Portion) - Hamilton's								
	West Harbour***	1990-91	1994-95	500	-	500	No	Yes	CF 418454011
717	Central/Beasley Housing								
	Intensification Program	1990	1993	1,860	-	1,860	Yes	Yes	
718	P.R.I.D.E. Program -								
	Beasley/Central	1990	1992	627	-	627	Yes	Yes	CF 429002003
719	Barton Street Demonstration Loan Program	11/90	Unknown	200	-	200	Yes	Yes	

Notes: * Indicates date has changed from previous reporting.

** With exception of Item 110, status information has not been returned.

*** Proposal for funds to be allocated to Pier 4 Park.

1990 November 22
IRH:jc

12/11/90

-3509 Appendix "B" as referred to in
Section 19(a) of the TWENTY-SEVENTH
Report of the Finance and
Administration Committee for 1990.



ONTARIO REAL ESTATE ASSOCIATION
LANDLORD'S COPY () TENANT'S COPY () AGENT'S COPY ()
OFFER TO LEASE (COMMERCIAL)

TO: **Oakland "6" Limited and Leggat Investments Limited**
(hereinafter called the "Landlord")

FROM: **Hamilton Parking Authority**

(hereinafter called the "Tenant")

DATE OF OFFER: **November 14, 1990**

The tenant hereby offers to lease from the Landlord the premises as described herein through **Chambers & Company Limited**
the Landlord's Agent on the terms and subject to the conditions as set out in this Offer.

1. PREMISES:
The "Premises" consisting of approximately **68,628** square metres (**68,628** square feet) more or less ~~as shown on the plan attached as Schedule "A"~~ known municipally
as **22 and 30 Bay Street, Hamilton, plus 191 King Street, Hamilton**
in the **City** of **Hamilton**, Province of Ontario, as shown outlined in RED on the plan attached as Schedule "A"

2. USE:
The Premises shall be used only for **parking and ancillary uses allowed by existing zoning.**

3. TERM OF LEASE:
(a) The Lease shall be for a term of **sixty** (**60**) months commencing on the **1st** day of **February**, 19**91**,
and terminating on the **last** day of **January**, 19**96**.
(b) ~~The Tenant shall be responsible for the payment of all taxes, including property taxes, and all other charges and expenses incurred by the Landlord in maintaining, operating, cleaning, insuring and repairing the property and, without limiting the generality of the aforesaid, such costs and expenses shall include the costs of:~~

4. RENTAL:
Fixed minimum rent: (being a guaranteed base rent subject to increase as herein after provided)
The fixed minimum rent payable by the Tenant for each complete twelve-month period during the lease term shall be:
(i) during the ~~first~~ **Five** year(s) of the term: **One Hundred Ninety Seven/Thousand** **197,000.00** dollars (\$**197,000.00**)
(ii) during the next year(s) of the term: dollars (\$.....)
(iii) during the next year(s) of the term: dollars (\$.....)
(iv) during the last year(s) of the term: dollars (\$.....)

One-twelfth of the fixed minimum rent shall be paid in advance to the Landlord each month on the **First** day of such month.

5. SERVICES AND BUSINESS TAXES:
The Tenant shall pay its own hydro, gas, water, heating costs, air-conditioning costs and for all other services and utilities as may be provided to the premises. The Tenant shall arrange with the local authority for connection of gas, electricity, and water in the name of the Tenant. The Tenant shall pay its own business taxes.

6. ADDITIONAL RENT AND CHARGES:
The Tenant shall additionally pay ~~to the Landlord~~ all costs and expenses incurred by the Landlord in maintaining, operating, cleaning, insuring and repairing the property and, without limiting the generality of the aforesaid, such costs and expenses shall include the costs of:
(i) snow, garbage and trash removal;
(ii) landscaping and planters;
(iii) heating, ventilating and air-conditioning, and providing hot and cold water and other utilities and services to, and operating the common areas of the property, and maintaining and repairing the machinery and equipment providing such utilities and services;
(iv) the realty taxes, assessments, rates, charges and duties levied or assessed against the property (save any tax on the personal income of the Landlord);
(v) insuring the property and such other insurance as the Landlord will effect against public liability, property damage, loss of rental income and other casualties and risks.

7. SIGNAGE:
The Tenant may, at its expense, erect signage subject to the Landlord's prior written approval as to the design, color, and content of any such signs, which consent shall not be unreasonably withheld, and to be located as follows:

as necessary and reasonable

8. LANDLORD'S AND TENANT'S WORK:
The Landlord agrees to complete the work described as the "Landlord's Work" in Schedule "A" attached hereto and made part hereof. The Tenant agrees to complete any additional work necessary to prepare the Premises for the Tenant's use, described as "Tenant's Work" in Schedule "A" attached hereto. The Tenant shall not proceed with any work within or affecting the Premises without the Landlord's prior written approval, which approval shall not be unreasonably withheld.

9. EXECUTION OF LEASE:
The form of the Lease will be ~~prepared by the Landlord~~ prepared at the Landlord's expense, in accordance with the terms and conditions of the Offer, and the Lease will be signed and executed by both parties hereto prior to occupancy by the Tenant.

~~The form of the Lease will be prepared by the Landlord at the Landlord's expense, in accordance with the terms and conditions of the Offer, and the Lease will be signed and executed by both parties hereto prior to occupancy by the Tenant.~~

11. ASSIGNMENT:

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12/11/90

This Offer to Lease shall not be assignable or otherwise transferrable by the Tenant. The Tenant may not sublet or assign or transfer its interest in the Lease contemplated herein without securing the written consent from the Landlord, which consent shall not be unreasonably withheld, provided however, if the consent is granted, the Tenant shall remain liable for all obligations under the Lease.

12. SECURITY DEPOSIT AND PREPAID RENT:

The Tenant delivers herewith a negotiable cheque payable to

on the amount of dollars

to be deposited and held without interest as security for the faithful performance by the Tenant of all terms, covenants and conditions of the Offer and after execution of the Lease, to be held as security for the faithful performance by the Tenant of all the terms of the Lease to be applied by the Landlord against the first, and last month's rent. If the Offer is not accepted, the deposit is to be returned to the Tenant without interest or deduction.

13. SCHEDULES:

The Schedules attached hereto shall form an integral part of this Offer to Lease and consist of:

Schedule(s) "A" & "B"

14. NO REPRESENTATION:

It is understood and agreed that there are no covenants, representations, agreements, warranties or conditions in any way relating to the subject matter of this Offer, whether express or implied, collateral or otherwise, except those set forth herein.

15. BINDING AGREEMENT:

This Offer and the acceptance thereof shall constitute a binding agreement by the parties to enter into the Lease of the Premises and to abide by the terms and conditions herein contained.

REVOCATION:

This Offer shall be irrevocable by the Tenant and shall be open for acceptance by the Landlord until 5:00 p.m. on the 23 day of November, 1990, after which time if not accepted this Offer shall be null and void and all monies paid thereon shall be returned to the Tenant without interest or deduction.

DATED AT Hamilton THIS DAY OF November 1990
SIGNED, SEALED AND DELIVERED in the presence of:

HAMILTON PARKING AUTHORITY

Per: [Signature]
Tenant (Authorized Official)

11/ /90
Date

(Witness)

Per: [Signature]
Tenant (Authorized Official)

Date

(Witness)

Per: [Signature]
Guarantor

Date

(Witness)

We, the Landlord hereby accept the above offer, and agree to pay to the Agent a commission of \$16,000.00. Said commission will be due and payable at the commencement of the term and may be deducted from the deposit with any remaining balance to be paid forthwith. *

If the term of the Lease is renewed, extended or continued, whether by the exercise of any option to renew or otherwise, the Landlord agrees to pay to the Agent a further commission of % of the total yearly rental for each such year that the original term is so renewed, continued or extended. Said commission will be payable on the date that any option to renew is exercised or the date on which the term of the Lease is otherwise renewed, extended or continued.

DATED AT Hamilton THIS DAY OF Nov. 1990

SIGNED, SEALED AND DELIVERED in the presence of:

OAKLAND "6" LIMITED

Per: [Signature]
Landlord (Authorized Official)

11/7/90
Date

(Witness)

LEGGAT INVESTMENTS LIMITED

Per: [Signature]
Landlord (Authorized Official)

11/10/90
Date

(Witness)

* NO FURTHER COMMISSION PAYABLE UNDER ANY CIRCUMSTANCES. NO COMMISSION PAYABLE FOR RENEWALS OR EXTENSIONS. NO COMMISSION PAYABLE IF TRANSACTION NOT COMPLETED FOR ANY REASON.

12/11/90

-3511-

ATTACHED TO AND FORMING PART OF THE OFFER TO LEASE
BETWEEN:

OAKLAND "6" LIMITED
AND LEGGAT INVESTMENTS LIMITED

(Landlord)

AND:

HAMILTON PARKING AUTHORITY

(Tenant)

1. This Offer to Lease is conditional by the Tenant upon receiving final approval from the Municipal Council of the City of Hamilton on or before December 11th, 1990, failing which this Agreement shall become null and void.
2. This Offer to Lease is conditional by the Landlord upon receiving release from Chrysler of Canada Ltd. from the existing lease on the Real Property on or before January 3rd, 1991, failing which this Agreement shall become null and void.
3. The Tenant agrees to demolish and remove all buildings on the property and to prepare and finish the property to the standards for a municipal parking lot at their sole expense. Said expense to include all demolition cost and permits and approvals.
4. Either or both Landlords for their respective properties shall have the right to terminate it's portion of the herein described Lease for that portion of the property owned by either or both Landlords at the end of the fourth year or any time thereafter during the term of the lease. Said notice to be given by the Landlord who wishes to terminate, to the Tenant in writing at least 180 days before such termination and the appropriate Landlord hereby agrees that should such termination occur prior to the end of the initial five year term then the terminating Landlord shall pay to the Tenant any undepreciated cost of demolishing the buildings on the terminated site and preparing the terminated site. Said depreciation to be considered as the straight line method over the five year term of the Lease. Should only one landlord terminate, the lease shall remain effective for the remaining (non-terminating) Landlord and the rent shall abate as follows:
 - a) Termination by Oakland "6" Limited - \$49,000.00 p.a. abatement.
 - b) Termination by Leggat Investments Limited - \$148,000.00 p.a. abatement.
5. The Tenant agrees that, forthwith upon all conditions being satisfied herein, each Landlord shall be provided without cost to them one vehicle parking pass valid at any Hamilton Parking Authority site during the term of the herein described Lease.
6. The Landlord shall have the right ~~before January 1, 1991~~ *After all conditions have been satisfied and prior to demolition commencing* to remove any chattels or mementoes on the Real Property.

M. Little

all buildings,
M. Little

From (P) to

M. Little

12/11/90

- Full (U) LANDLORD*
7. The ~~Vendor~~ agrees to permit access by the Tenant to the property after all the Landlord's and Tenant's conditions have been satisfied, and the Tenant shall have the right to commence demolition of the building at such time, subject to prior notice to the Landlords.
 8. This Offer to Lease is conditional by the Tenant upon receiving on or before December 3, 1990, satisfactory proof that there will be no extraordinary costs of demolition, including, without limiting the generality of the foregoing, any costs of removal of toxic, hazardous and/or industrial waste and material from the said property, and including the removal of any storage tanks and receptacles for combustible materials, failing which this Agreement shall become null and void.
 9. The Landlord shall pay all municipal realty taxes and utility charges for the property to the 31st day of January, 1991.
 10. Upon the execution of the Lease, the Landlord consents to the registration by the Tenant of a Notice of Lease against the lands herein.
 11. For greater clarity the parties agree that this Lease is to be a Net Lease and that the rent and additional rent provided to be paid to the Landlord hereunder shall be absolutely net to the Landlord, and that all costs, expenses and obligations of every kind and nature whatsoever relating to the premises shall be paid by the Tenant. These expenses are understood to include all other expenses in any way related to the Property including the G.S.T., the Commercial Concentration Tax, and any special or other taxes that may be now or in the future levied on parking lots; but shall not include the Landlord's income tax.
 12. Lease to provide that Tenant will indemnify and save the Landlord harmless from all suits, claims, demand actions, causes of actions and related costs and expenses, that arise during the tenancy unless caused by the Landlord's own negligence or wilful act.
 13. In addition to the guaranteed base annual rental of ONE HUNDRED AND NINETY SEVEN THOUSAND DOLLARS (\$197,000.00), the Tenant shall pay to the Landlord a Participation Rental commencing in the third year of the term, calculated as thirty-three and one-third percent (33-1/3%) of gross revenues in each year of the term in excess of gross revenues collected by the Tenant in the second year of the term. For the purpose of this calculation, "year" shall mean a twelve (12) month period commencing on February 1.

"Gross revenues" shall mean the sum of all monies received by the Lessee with respect to the leased premises before deductions for taxes, operating expenses, or any other deductions whatsoever, save and except, should the Tenant enter into an agreement with an NHL franchise rebating parking revenue to the team, then the amount of the rebate shall be deducted from gross revenue. *NO OTHER SPECIAL CONVESSION TO BE MADE WITHOUT THE LANDLORDS PRIOR WRITTEN CONSENT.*
Such Participation Rental shall be paid within ninety (90) days of the end of each year of the term.

*Full (U) * Rebate net to exceed 50% of parking price.*

12/11/90

130'

105'

37'

67.5'

151'

PARCEL "A"

340'

235'

50'

100'

113'

PARCEL "B"

100'

50'

130'

WAY TO LIGHT TOWER, EIL

KING STREET WEST

BAY STREET

H. B.

attached to and forming part of an Offer to Lease dated November 14, 1990 from the Hamilton Parking Authority (called the Tenant) to Oakland "6" Limited and Leggat Investments Limited (together known as the Landlord) and accepted by the Landlord on November 20, 1990

1. Paragraph one of Schedule "A" of the said Offer to Lease states that the Parking Authority's Offer is conditional upon receiving approval of The Council of The Corporation of the City of Hamilton. The City hereby offers to amend the said Offer to Lease on the following terms.
2. That the Landlord and the Hamilton Parking Authority agree by joining herein that the Offer to Lease shall be amended pursuant to provisions of this Schedule. This Amending schedule shall be open for the Landlord to accept by executing same and delivering it to the City c/o the City Clerk on or before December 20, 1990.
3. The Lease by the Landlord provided for in the Offer to Lease shall be to The Corporation of the City of Hamilton as Lessee (in place of the Hamilton Parking Authority referred to in the Offer to Lease). All other references in the Offer to Lease, its Schedules including this Schedule "C" to "Tenant" shall mean The Corporation of the City of Hamilton. The City and the Landlord shall be entitled to enforce the Offer to Lease as amended hereby the one against the other.
4. The Lease shall have an initial fixed term commencing February 1, 1991 and expiring on November 30, 1991. (hereinafter referred to as the "initial term"). The Lease in a form satisfactory to the Landlord and to the Tenant shall include the terms provided for in the said Offer to Lease as amended herein.
5. In consideration for the Tenant's work in demolishing the buildings on the leased property during the initial term, the Lease shall include:
 - (i) an Option to renew in favour of the Tenant for the period December 1, 1991 to and including the last day of January, 1996 upon the rental rate and other financial terms set out in the Offer to Purchase for such period of time.
 - (ii) the Option may be exercised by the Tenant upon Notice in writing to the Landlord up to and including the 30th day of November, 1991. The said Lease renewal shall be conditional upon the Tenant obtaining the approval to the proposed renewal term from the Ontario Municipal Board. The Tenant shall take all necessary steps to expeditiously and forthwith proceed with and obtain approval from the O.M.B.. In the event such approval is not received by the Tenant prior to November 30, 1991, then the Option to lease between the parties shall be null and void.
6. The City as Lessee of the property shall enter into the proposed Lease with the Landlord and entrust to the Hamilton Parking Authority the management and administration of the proposed parking facilities on the lands leased to the City.

HAMILTON PARKING AUTHORITY, joins herein to approve this Schedule to the said Offer to Lease on the _____ day of December, 1990.
Per:

General Manager c/s

The Corporation of the City of Hamilton hereby offers to amend the said Offer to Lease with this Amending Schedule in Witness Whereof The Corporation of the City of Hamilton has executed this Schedule, this _____ day of December, 1990.

THE CORPORATION OF THE CITY OF HAMILTON

Mayor c/s _____
City Clerk

IN WITNESS WHEREOF the Landlord has executed this Schedule to accept this Offer to amend the said Offer to Lease made by the Corporation of the City of Hamilton and the Hamilton Parking Authority this _____ day of December, 1990.

LEGGAT INVESTMENTS LIMITED
Per:

OAKLAND "6" LIMITED
Per:

c/s

c/s

URBAN/MUNICIPAL ?

CALL ON HBL A05

21

1990

Special Meeting of City Council
December 21, 1990
3:30 o'clock p.m.
Council Chambers

The Council met.

Present: Mayor R. M. Morrow,
Aldermen T. Cooke, M. Kiss, V. Agro, D. Drury, G. Copps,
D. Wilson, D. Agostino, F. Lombardo, V. Formosi, T. Jackson,
H. Merling, J. Gallagher, T. Murray, D. Ross.

Absent: Alderman W. McCulloch - civic business
Alderman B. Hinkley - civic business

His Worship Mayor Robert M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Murray and seconded by Alderman Ross

Resolved: That Rule No. 8 of Procedural By-law 82-208 be invoked for this meeting
of City Council in order to permit consideration of a resolution respecting
the LAX Property.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson,
Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray,
Ross. 15.

NAYS: 0.

CARRIED.

It was moved by Alderman Murray and seconded by Alderman Ross

- Resolved:
- (a) That the "Agreement by Owner to Accept Compensation", executed by Samuel and Sheridan Lax on December 20, 1990, whereby the owner agreed to accept the amount of \$2,800,000.00 exclusive of costs pursuant to Section 34 of The Expropriations Act as full and final settlement of the City's expropriation of the property known as Parts 1, 2, 3, 4, 5 and 6, Plan RC-H-234, be approved.
 - (b) That the balance of the settlement cost relating to the Lax Expropriation and the Agreement by the owner to accept compensation for Parts 1, 2, 3, 4, 5 and 6, Plan RC-H-234, Instrument No. 280084 C.D., in the amount of \$1,900,000 (\$2,800,000 minus the amount previously paid of \$900,000) plus costs upon finalizing this agreement, be financed from the Reserve for Property Purchases.

Recorded Vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Murray and seconded by Alderman Ross

Resolved: That City Council be extremely selective when considering future land purchases, exclusive of park lands, to avoid unnecessary debenture charges since the Reserve for Property Purchases used to finance such purchases will be depleted to almost zero after payment of the Lax Expropriation Settlement.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

12/21/90

-3517-

It was moved by Alderman Cooke and seconded by Alderman Kiss

Resolved: That Council move into Committee of the Whole to consider the Report of the Nominating Committee with Mayor Morrow in the chair.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

REPORT OF THE NOMINATING COMMITTEE - SEVENTH REPORT

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

Resolved: That the Report of the Committee of the Whole on the Report of the Nominating Committee, be adopted.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

Resolved: That Bill H-121 be now read a first time.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

Resolved: That Council move into Committee of the Whole to consider Bill H-121, with Mayor Morrow in the chair.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

Consideration of the Bills (second reading)

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

Resolved: That the Report of the Committee of the Whole (second reading) on Bill H-121, be adopted.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss

Resolved: That Bill H-121, be now read a third time, signed, sealed and enrolled as a By-law.

Recorded Vote:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Drury, Copps, Wilson, Agostino, Lombardo, Formosi, Jackson, Merling, Gallagher, Murray, Ross. 15.

NAYS: 0.

CARRIED.

* * * * *

City Council then adjourned at 3:55 o'clock p.m.

* * * * *

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **SEVENTH** Report for 1990 and respectfully recommends:

1. Approval of the following citizen appointments:

(A) HAMILTON ENTERTAINMENT AND CONVENTION FACILITIES INC.	<u>TERM OF OFFICE</u>
Frank Denardis	December 31, 1993
Mary Dow	December 31, 1993
Marvin Ryder	December 31, 1993

Respectfully Submitted.

Mayor R. M. Morrow

1990 December 21

ACCOPRESS®

25070	YELLOW
25071	BLACK
25072	LIGHT BLUE
25073	DARK BLUE
25074	LIGHT GRAY
25075	LIGHT GREEN
25076	DARK GREEN
25077	TANGERINE
25078	RED
25079	EXECUTIVE RED

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